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ABSTRACT

In this U.S. Commission on Civil Rights report, denial of equal opportunity to Mexican Americans by exclusionary practices in public schools is examined through information gathered at a Commission on Civil Rights hearing and a subsequent 1969 survey of school districts in Arizona, California, Colorado, New Mexico, and Texas having enrollments of more than 10% Spanish-surnamed students. Although some innovations oriented to closing the educational gap between Anglos and Mexican Americans were found, school systems generally had not recognized the culture and tradition of the Mexican American and had not adopted policies and programs enabling Mexican American students to participate fully in the benefits of the educational process. Of 3 types of programs that schools may use to meet the English language difficulty of Spanish-speaking students (bilingual education, English as a second language, and remedial reading), bilingual education was observed to be potentially the most advantageous to both Anglo and non-English-speaking students; however, bilingual programs were found in only 6.5% of the schools--possibly because of the great curricular change required. Suppression of the Spanish language was found to be the most overt area of cultural exclusion, followed by exclusion of relevant course content in terms of Indo-Hispanic history, heritage, and folklore. Exclusion of Mexican American community involvement was also noted: few school districts availed themselves of community advisory boards, contacts with the community, community relations specialists, and/or Mexican American educational consultants. Related documents are ED 052 849 and ED 056 821. (MJB)

ED 062069

THE EXCLUDED STUDENT

Report III

Educational Practices Affecting Mexican Americans in the Southwest

May 1972

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- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws; and
- Submit reports, findings, and recommendations to the President and the Congress.

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THE EXCLUDED STUDENT

Educational Practices Affecting
Mexican Americans in the Southwest

A Report of the

U. S. Commission on Civil Rights

MAY 1972

**MEXICAN AMERICAN
EDUCATION STUDY**

Report III

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LETTER OF TRANSMITTAL

THE U.S. COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C.
May 1972

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Sirs:

The Commission on Civil Rights presents this report to you pursuant to Public Law 85-315, as amended.

Continuing its assessment of the nature and extent of educational opportunities for Mexican Americans in the public schools of the Southwest, this third report in the series examines denial of equal opportunity by exclusionary practices.

From information gathered through a Commission hearing in San Antonio, and a survey of schools and school districts in the five Southwestern States of Arizona, California, Colorado, New Mexico, and Texas, in which enrollment was at least 10 percent Spanish surnamed, the Commission has ascertained that deprivation by exclusion is being practiced against Mexican American students in the school districts of those States. These students number more than a million individuals and represent 80 percent of the total Chicano enrollment of the Southwest.

The dominance of Anglo values is apparent in the curricula on all educational levels; in the cultural climate which ignores or denigrates Mexican American mores and the use of the Spanish language; in the exclusion of the Mexican American community from full participation in matters pertaining to school policies and practices.

Although some innovations have been noted which begin to close the gap between the two ethnic groups, the Commission sees immediate need for further enlightened procedures to unify what are now disparate groups in the school systems of the Southwest.

We urge your consideration of the facts presented and the use of your good offices in effecting the corrective action that will enable all Americans to participate equally in the Nation's impressive educational tradition.

Respectfully yours,

Rev. Theodore M. Hesburgh, C.S.C., *Chairman*
Stephen Horn, *Vice Chairman*
Frankie M. Freeman
Maurice B. Mitchell
Robert S. Rankin
Manuel Ruiz, Jr.

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Acknowledgments

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PREFACE

This report is the third in a series on Mexican American[1] education by the U. S. Commission on Civil Rights. The main purpose of the Commission's Mexican American Education Study is to make a comprehensive assessment of the nature and extent of educational opportunities available for Mexican Americans in the public schools of the Southwest. These reports focus on the school rather than on the child; they record the policies, practices, and conditions in the school rather than the social and cultural characteristics of the Mexican American children who attend them.

This report examines the way the educational system deals with the unique linguistic and cultural background of the Mexican American student. It looks at: (1) some of the linguistic and cultural problems faced by Mexican American children within the educational system; (2) programs used by some of the schools in attempting to adjust to these problems; and (3) the school's relationship to the Mexican American communities they serve.

Sources of Information

The information in this report is drawn from several sources. One is the hearing held by the Commission in San Antonio in December 1968. But the principal source is the Commission's Spring 1969 survey of Mexican American education in the five Southwestern States of Arizona, California, Colorado, New Mexico, and Texas. This survey encompassed only those school districts which had an enrollment that was 10 percent or more Spanish surnamed.[2] Two survey instruments were used. A superintendents' questionnaire was sent to all 538 districts in which the enrollment was 10 percent or more Spanish surnamed.[3] These forms sought information from school district offices on such items as ethnic background and education of district office personnel and board of education members, use of consultants and advisory committees on Mexican American educational problems, and availability of, and participation in, in-service teacher training.[4] A total of 532, or 99 percent, of the superintendents' questionnaires was returned to the Commission.[5]

A second questionnaire was mailed to 1,166 principals in elementary and secondary schools within the sampled districts.[6] The sample of schools was stratified according to the Mexican American composition of the school's enrollment.[7] Questionnaires mailed to individual schools requested information on such topics as staffing patterns, condition of facilities, ability grouping and tracking practices, reading achievement levels, and student and community participation in school affairs. Approximately 95 percent of the schools returned questionnaires.[8]

Unless otherwise specified, all statistical data

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[1] In this report, the term Mexican American refers to persons who were born in Mexico and now reside in the United States or whose parents or more remote ancestors immigrated to the United States from Mexico. It also refers to persons who trace their lineage to Hispanic or Indo-Hispanic forebears who resided within Spanish or Mexican territory that is now part of the Southwestern United States.

Chicano is another term used to identify members of the Mexican American community in the Southwest. The term has, in recent years, gained wide acceptance among young people while among older Mexicans the word has long been used and is now a part of everyday vocabulary. It also receives wide currency in the mass media. In this report the terms "Chicano" and "Mexican American" are used interchangeably.

[2] As this report deals only with the Southwest, the terms Mexican American and Spanish surnamed are used interchangeably. According to a Commission estimate based on figures in the 1960 census, more than 95 percent of all persons in the five Southwestern States having Spanish surnames are Mexican Americans.

[3] Thirty-five districts with 10 percent or more Spanish surnamed enrollment had not responded to HEW in time to be included in the Commission Survey. The majority of these districts were in California.

[4] The superintendents' questionnaire is Appendix A on pp.54 to pp. 58

[5] This includes a 100 percent response from districts in Arizona. In the other States, the following school districts did not respond: Kingsburg Joint Union Elementary, Kingsburg, Calif.; Lucia Mar United School District, Pismo Beach, Calif.; North Conejos School District, La Jara, Colo.; Silver City Consolidated School District No. 1, Silver City, N. Mex.; Edcouch Elsa Independent School District, Edcouch, Tex.; Houston Independent School District, Houston, Tex. Houston Independent School District declined to respond because it was engaged in court litigation involving the district, the Department of Health, Education, and Welfare (HEW), and the U. S. Department of Justice at the time the Commission Survey was made.

[6] The principals' questionnaire is Appendix B on pp. 62 to pp.73

[7] Schools were grouped by percent 0-24.9, 25-49.9, 50-74, 75-100.

[8] Thirty-three [or 60 percent] of the 56 schools that did not return the principals' questionnaire are in the Houston Independent School District. Had these questionnaires been returned, the response rate of the sampled schools would have been about 98 percent.

presented in this report are taken from the Commission's Spring 1969 Survey.

Publications

The results of the Commission's Mexican American Education Study are being published in a series of reports. The first report examined the size and distribution of the Mexican American enrollment; educational staff and school board membership; the extent of isolation of Mexican American students; and the location of Mexican American educators in terms of the ethnic composition of schools and the districts in which they are found.

The second report analyzed the performance of schools in the Southwest in terms of the outcomes of education for students of various ethnic backgrounds, using such measures as school holding power, reading achievement, grade repetition, and overageness.

Subsequent reports will deal with such subjects as school finances, teacher-pupil interaction in the classroom and the relationships between various school practices and the outcomes of education for Mexican Americans.

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INTRODUCTION

An Unassimilated Minority

Our system of public education has been a key element in enabling children of various ethnic backgrounds to grow and develop into full participants in American life. During the great waves of immigration to the United States in the late 19th and early 20th centuries, society turned to the schools as the principal instrument to assimilate the millions of children of diverse nationalities and cultures into the American mainstream. By and large, the schools succeeded in accomplishing this enormous task.

In the Southwest, however, the schools have failed to carry out this traditional role with respect to the Mexican American, that area's largest culturally distinct minority group. There are numerous reasons why they have failed. Many are rooted in the history of the Southwest which emphasizes the significant differences between Mexican Americans and other ethnic groups who comprise the rich variety of the American population. What are these differences?

Mexican Americans are not like other ethnic groups who are largely descendents of immigrants who came to this country from across the oceans cutting their ties with their homelands as they sought a new way of life. The earliest Mexican Americans did not come to this country at all. Rather, it came to them. They entered American society as a conquered people following the war with Mexico in 1848 and the acquisition of the Southwest by the United States.[9] Furthermore, most who have crossed the international boundary since then have entered a society which differs little from the culture they left behind on the other side of the border.

For geographical and cultural reasons Chicanos have, by and large, maintained close relations with Mexico. In contrast to the European immigrant whose ties with the homeland were broken, most Mexican Americans who crossed the international boundary after the war with Mexico have continued a life style similar to that which they had always known.

Still another distinction is that many Mexican Americans exhibit physical characteristics of the indigenous Indian population that set them apart from typical Anglos.[10] In fact, some Anglos have always regarded Mexican Americans as a separate racial group.

The dominance of Anglo culture is most strongly apparent in the schools. Controlled by Anglos, the curricula reflects Anglo culture and the language of instruction is English. In many instances those Chicano pupils who use Spanish, the language of their homes, are punished. The Mexican American child often leaves school confused as to whether he should speak Spanish or whether he should accept his teacher's admonishment to forget his heritage and identity.

But this culture exclusion is difficult for the schools to enforce. The Mexican culture and the Spanish language were native to the country for hundreds of years before the Anglo's arrival. They are not easy to uproot. To this day the conflict of cultures in the schools of the Southwest is a continuing one that has not been satisfactorily resolved and is damaging to the Mexican American people.

The deep resentment felt by many Mexican American children who have been exposed to the process of cultural exclusion is expressed in the words of a graduate of the San Antonio school system:

> *"Schools try to brainwash Chicanos. They try to make us forget our history, to be ashamed of being Mexicans, of speaking Spanish. They succeed in making us feel empty, and angry inside.*[11]

The Current Picture

To what extent are schools practicing cultural exclusion?[12] This report sets out to answer this question by looking at three aspects of the problem: (1) exclusion of the Spanish language; (2) exclusion of the Mexican heritage; and (3) exclusion of the Mexican American community from full participation in school affairs. In the area of language exclusion the study first examines the

[9] For a more detailed treatment of this topic, see Appendix C, p.76

[10] As used in this report, the term "Anglo" refers to all white persons who are not Mexican Americans or members of other Spanish surnamed groups.

[11] Statement by Maggie Alvarado, student at St. Mary's University in San Antonio, quoted in Steiner, Stan. *La Raza, the Mexican American,* New York: Harper & Row, 1970, pp. 212-213.

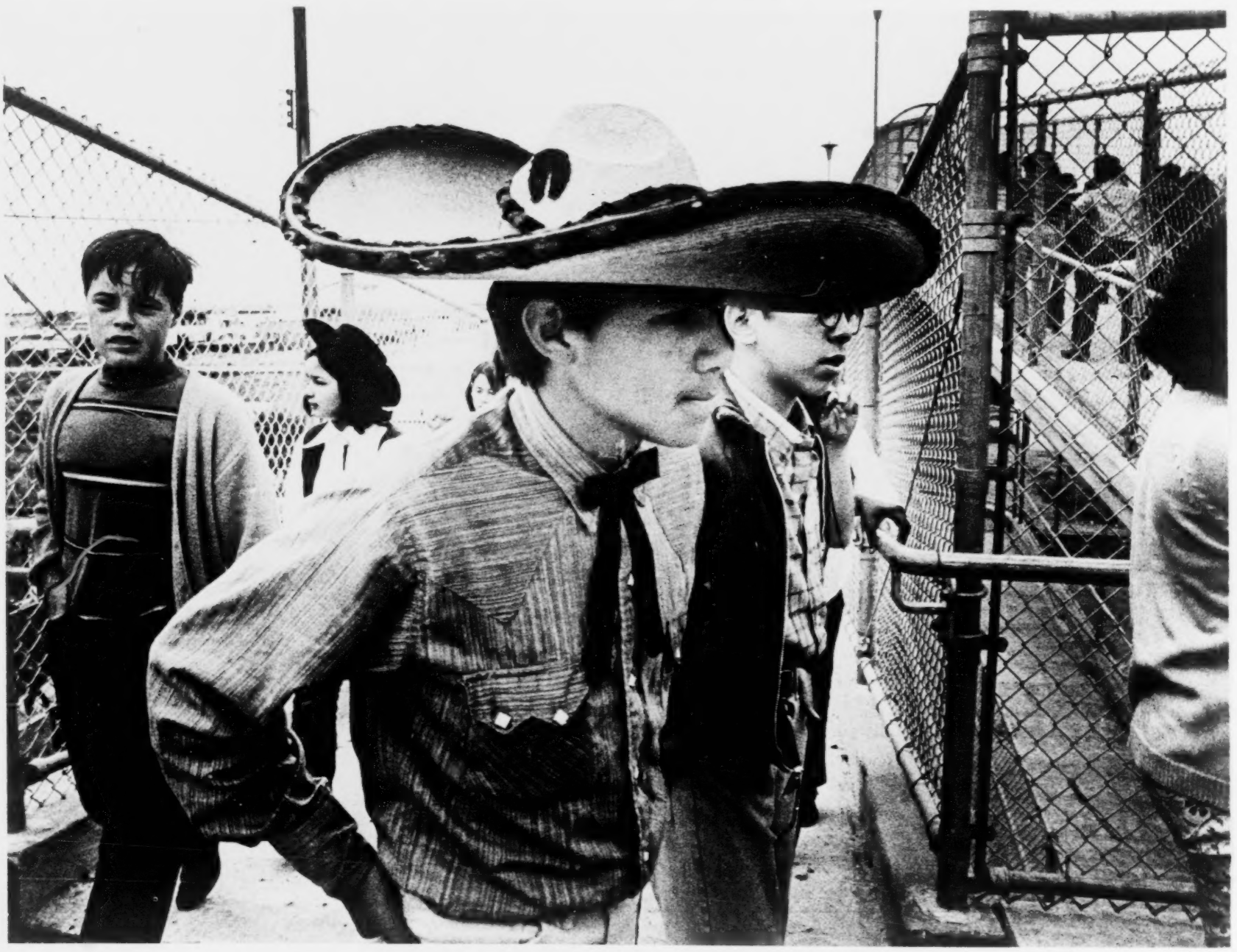
[12] Cultural exclusion as used in this report signifies that the Mexican American child, while engaged in the educational process, is systematically denied access to his language and heritage.

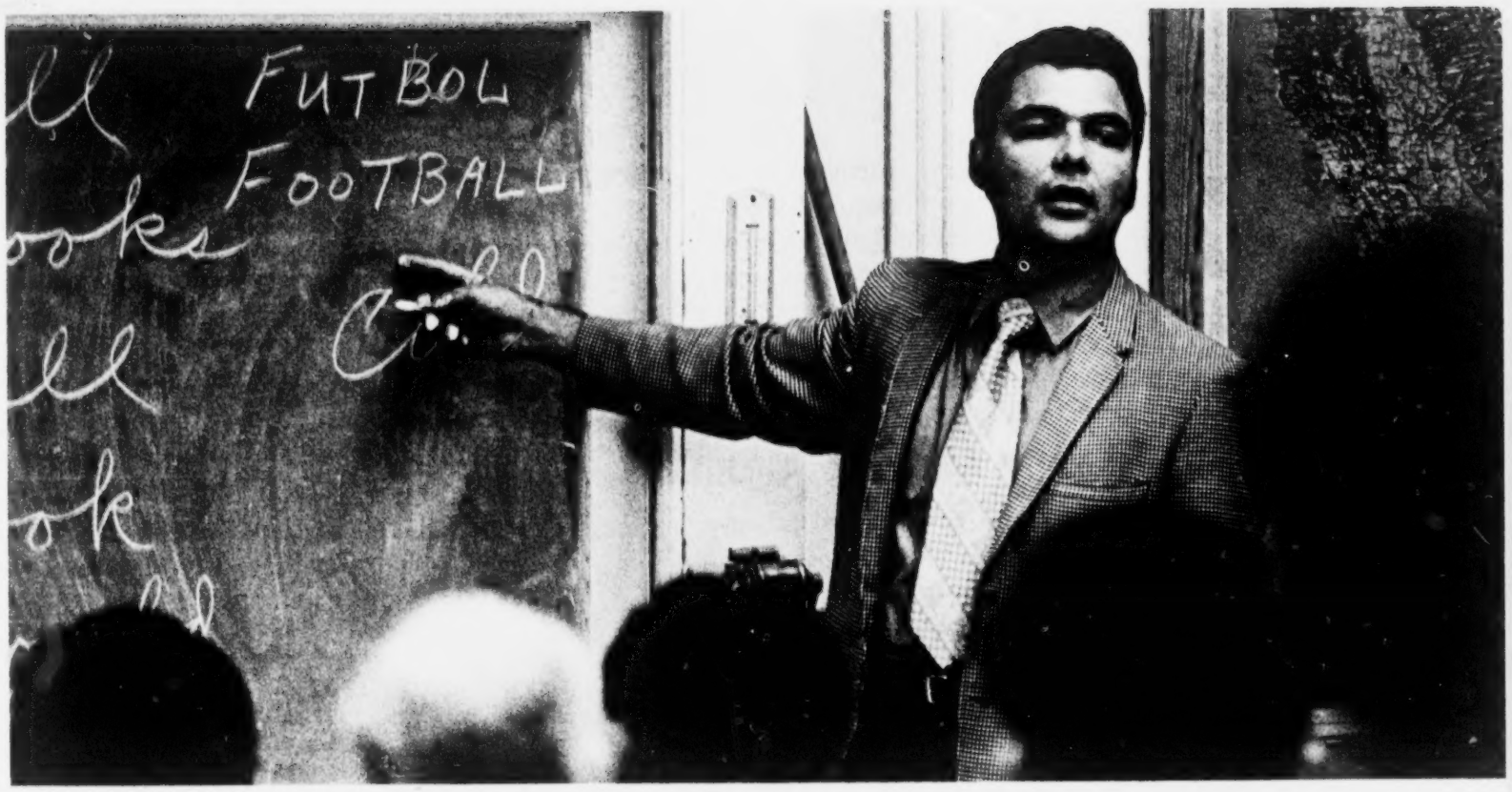
extent to which Mexican American pupils speak English as fluently as the average Anglo. The report also examines the effectiveness of major programs used by schools to correct English language deficiencies.

An assessment of current school practices regarding the teaching of Mexican American history is the next area of investigation. Statistical data are developed showing numbers of schools offering, and students receiving, courses in Mexican American history. The type of cultural activities which schools considered relevant to Mexican American parents and students is also described.

In the area of community involvement the report investigates the extent to which school systems of the Southwest utilize the Mexican American community as a resource in their efforts to educate the Mexican American child. This involves scrutiny of the schools' involvement with parents (through notices sent home and PTA activities), community advisory boards, community relations specialists, and employment of experts on Mexican American educational affairs.

Through examination of these three important areas, the report seeks to evaluate the extent to which schools of the Southwest are adapting their policies and practices to the special culture and heritage of the Mexican American child.





I. EXCLUSION OF THE SPANISH LANGUAGE

The "Language Problem"

Perhaps the most important carrier of a Nation's culture is its language. Ability to communicate is essential to attain an education, to conduct affairs of state and commerce, and, generally, to exercise the rights of citizenship.

Spanish was the dominant language in the territory that now comprises the Southwestern part of the United States following the conquest of this territory by the United States as a result of the War with Mexico in 1848. As the population in this area changed from one that was predominantly Mexican American to one primarily Anglo, English replaced Spanish as the language of government and commerce.

At the same time, however, the Spanish language continued to be used by the Mexican American population and acted as a viable carrier of culture. Yet, its importance as an educational tool in the acquisition of knowledge by the Mexican American child has never been fully appreciated nor acknowledged by the Anglo majority. One prominent Mexican American educator found the belief persisted "that a foreign home language is a handicap, that somehow children with Spanish as a mother tongue were doomed to failure —in fact, that they were, *ipso facto,* less than normally intelligent."[13]

Another educator has observed more recently:

> *In practice, Mexican American children are frequently relegated to classes for the Educable Mentally Retarded simply because many teachers equate linguistic ability with intellectual ability. In California, Mexican Americans account for more than 40 percent of the so-called mentally retarded.*[14]

Fluency in English—Little information is available indicating the extent of language difficulties experienced by the Mexican American child in the schools of the Southwest. Until the Commission's

[13] Sanchez, George I., "History, Culture and Education," Chapter 1 in Samora, Julian ed. *La Raza, Forgotten Americans*, University of Notre Dame Press, South Bend, 1966, p. 15.

[14] Ortego, Philip D., "Montezuma's Children," *Center Magazine*, November-December, 1970.

Spring 1969 Survey, few, if any, facts had been gathered which indicated the proportion of Mexican American children who spoke only Spanish or who spoke some English but for whom Spanish remained the first language. The Commission's survey sought to fill this gap by collecting information on the number of Mexican American first graders in each school who did not speak English as well as the average Anglo first grader in the schools.[15]

As can be seen in the tabulation below, school principals estimated that nearly 50 percent of the Mexican American first graders in the five Southwestern States do not speak English as well as the average Anglo first grader. In Texas, three out of every five Mexican American school children do not speak English as well as their Anglo counterparts.

State	Arizona	California	Colorado	New Mexico	Texas	Southwest
Percent of First Grade Mexican American Pupils who do not speak English as well as the average Anglo first grade pupil	30	36	27	36	62	47

Fluency in English varies depending on the socioeconomic status and ethnic composition of the school. The lower the socioeconomic status of the students in a school and the more Mexican Americans in the school, the less likely the Mexican American first graders are to be able to speak English as well as their Anglo peers. In poor and segregated barrio schools, only 30 percent of the Mexican American children speak English as well as Anglos. In contrast, in high socioeconomic schools where Mexican American children are in the minority, more than 80 percent possess English language skills equal to that of Anglos. (See Figure 1).

[15] See Appendix B, Principals' Questionnaire, Question 25, p. 62

Figure 1—Percent of First Grade Mexican American Pupils Who Do Not Speak English as Well as the Average Anglo First Grade Pupil by Density and Socioeconomic Status

Percent of School that is Mexican American	Socioeconomic Status			
	High	Middle	Low	Total
0-24.9	19.4	32.4	41.0	28.4
25-49.9	34.4	38.0	50.2	40.7
50-74.9	26.4	36.9	51.0	42.8
75-100	28.3	46.0	70.0	62.3

"No Spanish" Rules

The lack of appreciation for knowledge of a foreign language as well as concern over a deficiency in English have resulted in several devices by school officials to insure the dominance of the English language in the schools of the Southwest.

Some of the more significant justifications for the prohibition include:

1. English is the standard language in the United States and all citizens must learn it.
2. The pupil's best interests are served if he speaks English well; English enhances his opportunity for education and employment while Spanish is a handicap.
3. Proper English enables Mexican Americans to compete with Anglos.
4. Teachers and Anglo pupils do not speak Spanish; it is impolite to speak a language not understood by all.

Significant data concerning the "No Spanish" rule were gathered by the Commission in its Mexican American Education Survey. Each district was asked about its official policy regarding the prohibition of Spanish.[16] Each sampled school in these districts also was asked if it discouraged the speaking of Spanish in the classroom and/or on the school ground.

Few districts reported an official prohibition of Spanish either on the schoolgrounds or in the classroom. Only 15 of the 532 districts which responded to the survey said that they still had a written policy discouraging or prohibiting the use of Spanish in the classroom. Twelve of these districts were in Texas, one each in Arizona, California, and New Mexico. Ten Texas districts also forbid students to speak Spanish on the schoolgrounds as does the one New Mexico district. All

[16] See Appendix A, Superintendents' Questionnaire, Question 11, p. 54

14

but three of the surveyed districts which had a "No Spanish" rule as a policy also had an enrollment that was 50 percent or more Mexican American. There was no apparent relationship between the size of the district and the existence of the policy.

The following statement of board policy exemplifies the "No Spanish" rule:

> *Each teacher, principal, and superintendent employed in the free-schools of this state shall use the [English] language exclusively in the classroom and on the campus in conducting the work of the school. The recitations and exercises of the school shall be conducted in the English language except where other provisions are made in compliance with school law.*

This statement, following the Texas Penal Code, was enclosed with the Superintendents' Questionnaire and mailed to the Commission from a school district in Texas. It is an example of the near-total exclusion of Spanish by insistence on the exclusive use of English in school work. Texas continues to go so far as to make it a crime to speak Spanish in ordinary school activities. As recently as October 1970 a Mexican American teacher in Crystal City, Texas was indicted for conducting a high school history class in Spanish, although this case was subsequently dismissed.[17]

Another district in Texas which recently "relaxed" its rule against the use of Spanish enclosed this statement:

> *Effective on September 1, 1968, students were allowed to speak correct Spanish on school grounds and classrooms if allowed by individual teachers. Teachers may use Spanish in classroom to "bridge-a-gap" and make understanding clear.*

It should be noted that the school district only allows the use of "correct" Spanish; this often means only the Spanish that is taught in the Spanish class. Many educators in the Southwest regard the Spanish spoken by Mexican Americans as deficient. Such comments as "the language spoken at home is "pocho", "Tex-Mex", or "wetback Spanish" were often found in the principals response to the questionnaire.

The principals' questionnaires also indicated that a relatively large number of schools, regardless of official school district policy, discouraged the use of Spanish in the classroom and on the schoolgrounds. Based on the survey findings, it is estimated that of a projected total of 5,800 schools in the survey area the policies of approximately one-third discourage the use of Spanish in the classroom. About one-half of these schools—15 percent of the projected total—discourage the use of Spanish not only in the classroom but on the schoolgrounds as well.

Figure 2 presents the results for elementary and secondary schools in each of the five Southwestern States. The prohibition of Spanish, whether in the classroom or on the schoolgrounds, occurred to a similar extent at the elementary and secondary levels, even though the need to draw on knowledge which can be expressed only in Spanish is greatest in the lower grades.

A comparison among States presents sharp differences in the freequency of the use of the "No Spanish" rule. In both elementary and secondary schools, in the classrooms and on the schoolgrounds, Texas leads in frequency of application of the "No Spanish" rule. Two-thirds of all surveyed Texas schools discouraged the use of Spanish in the classroom and slightly more than one-third discourage its use on the schoolgrounds. In the classroom it was applied with at least twice the frequency of most other States. In California there was very little use of the "No Spanish" rule. It was rarely found on California schoolgrounds, and fewer than one-fifth of California schools indicated its use in the classrooms. In all other States about one-third employed it in the classroom and one-tenth on the schoolgrounds.

Figure 3—Percent of Elementary and Secondary Schools Which Discourage the Use of Spanish in Classrooms (by Density and Socioeconomic Status)

Percent of Enrollment that is Mexican American	Socioeconomic Status			
	High	Medium	Low	Total
0-24	15.2	30.6	31.2	24.5
25-49	27.3	36.4	45.2	37.2
50-74	41.7	41.4	50.0	45.3
75-100	25.0	34.9	53.1	46.6
Total	17.3	33.5	46.3	32.2

[17] Interview with Jesse Gamez, San Antonio, Texas, attorney for the defendant.

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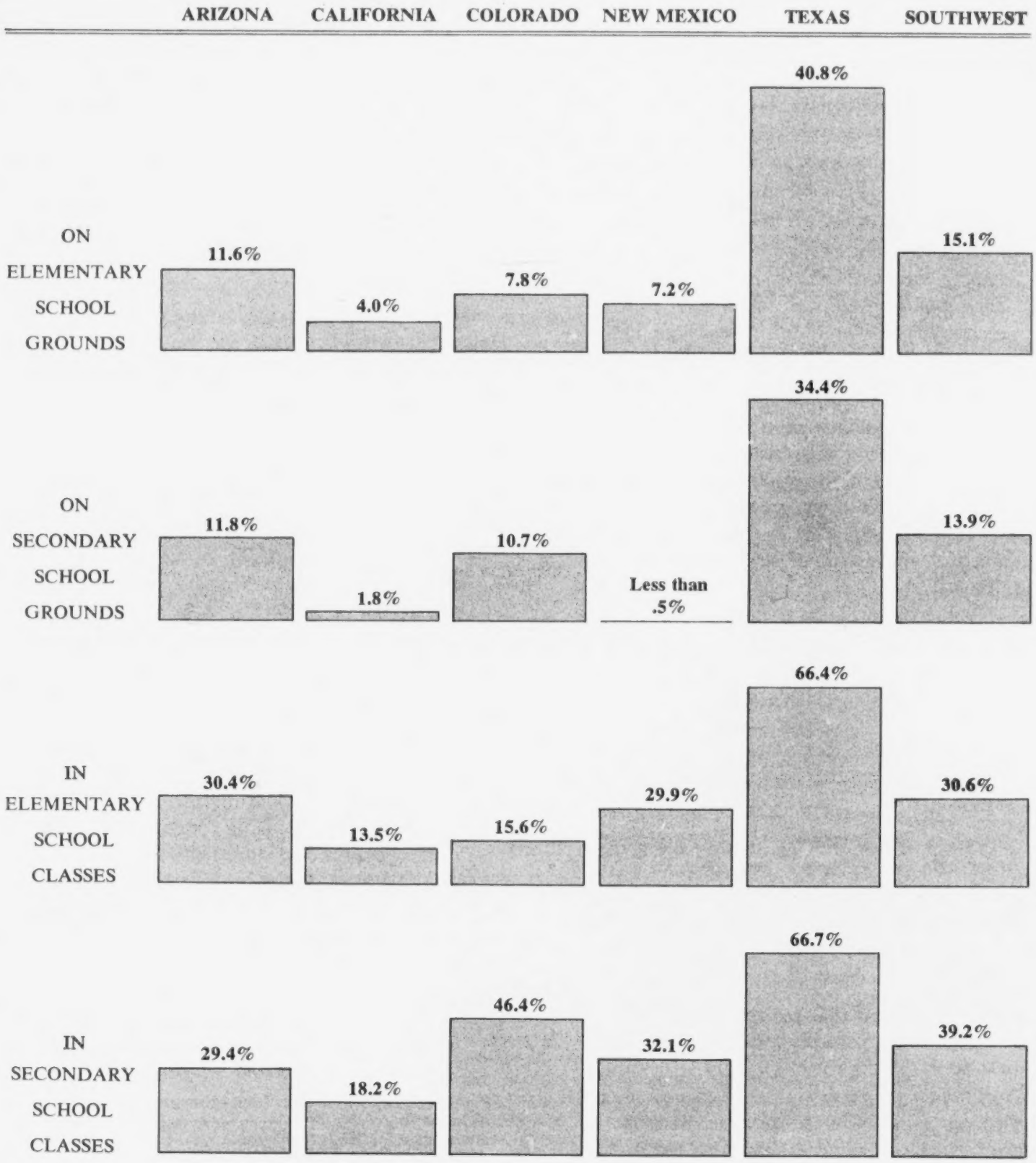
Figure 2

Percent of Schools in Southwestern States Which Discourage Use of Spanish



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There appears to be a relationship between the use of the "No Spanish" rule, the proportion of a school's Mexican American enrollment, and the socioeconomic status (SES) of the school. Figure 3 shows the relationship between ethnic composition, SES, and the frequency of the use of the "No Spanish" rule in the classroom in Southwest schools. Overall, the higher the proportion of Mexican Americans, the greater the probability that the school will have the "No Spanish" rule. Five in every 10 schools serving poor barrios responded that they have a "No Spanish" rule in the classroom. By contrast, in schools where children come from families of high socioeconomic status and where Mexican Americans comprise a low proportion of the enrollment, only about 15 percent of the schools responded that they had a "No Spanish" rule.

Enforcement of the "No Spanish" Rule

In addition to collecting data on the existence of the "No Spanish" rule in the schools of the Southwest, the Commission also sought information on the means used to enforce the rule. Listed below are school responses on some of the more frequent means of discouraging the speaking of Spanish in the classroom and on the schools' grounds. The percentage of schools with "No Spanish" rules which employ them is also given.[18]

Methods of Correction*	Percent of Schools**
Suggesting that staff correct those who speak Spanish	48
Requiring staff to correct those who speak Spanish	12
Encouraging English	10
Advising students of the advantages of speaking English	9
Encouraging other students to correct Spanish speakers	7
Punishing persistent Spanish speakers	3
Miscellaneous means of correction	11

[18] See Appendix B, Principals' Questionnaire, Question 20.

* The methods of correction or ways to discourage use of the Spanish language listed here and those given in Question 20 of the Principals' Questionnaire differ because a large number of respondents listed methods other than those given in the questionnaire.

** Schools may have answered that they employed more than one of the methods listed so that any school may be included in more than one of the categories. Therefore, it is not possible to combine or add percentages given.

Approximately one-half of the schools with the "No Spanish" rule suggested that the staff correct pupils who spoke Spanish. Twelve percent responded that they required staff members to correct students. Of the other reported methods used to discourage the use of Spanish, none was employed by more than 10 percent of the schools who had a "No Spanish" rule. However, a number of schools admitted to punishing persistent Spanish speakers or using other students to correct them.

None of the school principals or staff who responded to the survey admitted to using corporal punishment as a means of dealing with children who spoke Spanish in school. However, at least 3 percent of the schools did admit to actual discipline of the pupils involved. In one case pupils who violated the "No Spanish" rule were required to write "I must speak English in School".

At the San Antonio Hearing one principal testified that in his school—a highly segregated Mexican American school in El Paso, Texas—students who were found to be speaking Spanish during school hours were sent to Spanish detention class for an hour after school.[19] Figure 4 is a reproduction of the violation slip used to place a child in the detention class.

Other forms of punishment are revealed in the following excerpts from themes of one class of seventh grade Mexican American students in Texas. They were written in October of 1964 as part of an assignment to describe their elementary school experiences and their teachers' attitudes toward speaking Spanish in school.[20]

> *If we speak Spanish we had to pay 5¢ to the teacher or we had to stay after school. . . .*
>
> *In the first through the fourth grade, if the teacher caught us talking Spanish we would have to stand on the "black square" for an hour or so. . . .*
>
> *When I was in elementary they had a rule not to speak Spanish but we all did. If you got caught speaking Spanish you were to write three pages saying, "I must not speak Spanish in school". . . .*

[19] San Antonio Hearing, p. 161.

[20] Communication to the USCCR from Alonzo Perales. Texas teacher, 1965.

In the sixth grade, they kept a record of which if we spoke Spanish they would take it down and charge us a penny for every Spanish word. If we spoke more than one thousand words our parents would have to come to school and talk with the principal. . . .

If you'd been caught speaking Spanish you would be sent to the principal's office or given extra assignments to do as homework or probably made to stand by the wall during recess and after school. . . .

Although the survey did not uncover instances in which school officials admitted to administering physical punishment for speaking Spanish, allegations concerning its use were heard by the Commission at its December 1968 hearing in San Antonio.

Figure 4—Reproduction of Violation Slip Used to Place Child in Spanish Detention Class, Texas, 1968

VIOLATION SLIP—SPANISH DETENTION

_____ was speaking
(Student's name and classification)
Spanish during school hours. This pupil must report to Spanish Detention in the Cafeteria on the assigned day. (The teacher reporting should place the date on this slip.)

_____ _____
(Dates to report) (Teacher reporting)

Return this slip to Mr. _____
or Mr. _____ before 3:30 p.m.
9/66

Two San Antonio high school students told of being suspended, hit, and slapped in the face for speaking Spanish.[21] Another young Mexican American, a junior high school dropout, revealed that one of the reasons he left school in the seventh grade was because he had been repeatedly beaten for speaking Spanish.[22]

The reasons administrators and teachers give for prohibiting or discouraging the use of Spanish are numerous and varied. Here is one principal's answer to the Commission recorded on the survey form:

[21] San Antonio Hearing, pp. 188-189.
[22] San Antonio Hearing, pp. 206-209.

Our school population is predominantly Latin American—97 percent. We try to discourage the use of Spanish on the playground, in the halls, and in the classrooms. We feel that the reason so many of our pupils are reading two to three years below grade level is because their English vocabulary is so limited. We are in complete accord that it is excellent to be bilingual or multilingual, but in our particular situation we must emphasize the correct usage of English. All of our textbooks are in English, all the testing is in English, and all job applications are also in English. We do a lot of counseling regarding the importance of learning correct English. We stress the fact that practice makes perfect—that English is a very difficult language to master. Our pupils speak Spanish at home, at dances, on the playground, at athletic events, and at other places they may congregate. We feel the least they can do is try to speak English at school as

much as they possibly can. The problem is a very human one—they express themselves much better in Spanish than in English so they naturally take the easiest course. About two-thirds of the school administrators in this school district are Latin American and there is a demand for more who can handle the English language properly. We try to point this out to our students.

The reasoning that motivates administrators and teachers to prohibit or discourage the use of Spanish is not always strictly related to the educational needs of the child. At one San Antonio Independent School District junior high school, which had a 65 percent Mexican American enrollment, the Anglo principal testified that he would not be in favor of bilingual instruction past the third grade because:

I think they [Mexican Americans] want to learn English. And I think that they want to be full Americans. And since English is the language of America, I believe that they want to learn English.

During the course of an interview with a staff attorney prior to the hearing, the same principal stated that he would "fight teaching Spanish past the third grade because it destroys loyalty to America.[23]

Some evidence of a change in traditional attitudes toward the speaking of Spanish, however, was provided at the San Antonio Hearing by Dr. Harold Hitt, Superintendent of the San Antonio Independent School District. He testified that his district had changed its policy toward the use of the Spanish language just 3 weeks prior to the hearing. His testimony, in answer to the questions of the Commission's Acting General Counsel, is quoted in part below:

Mr. Rubin: Mr. Hitt, what kind of programs have you adopted or do you plan to adopt to overcome the negative attitudes toward Mexican American students which have been suggested by testimony at this hearing?

Mr. Hitt: . . . We have attemped to clarify the use of the Spanish language in the schools. . . . I think that we are very concerned with the development of bilingual education. We do have a developmental project and I see this as high on the priority list because I think that our youngsters who do come to school that have some facility with the speaking of Spanish, that by developing the English language, gives them perhaps an edge in terms of their value economically in a profession, or a vocation. And certainly I think that San Antonio offers a real opportunity for us to move toward a multicultural approach, and a bilingual approach both for all the children.

Mr. Rubin: I think you mentioned that there was a change in your policy with respect to the use of Spanish in the school, on the school grounds. When did that change occur?

Mr. Hitt: In reality I think the—you understand I am having to talk from hearsay—this has been in the process of being changed in practice for some time. However, there was a good deal of confusion, apparently on the part of the staff, in that there were divergent practices within different schools, and also reactions from parent groups that I have been meeting with. And about 3 weeks ago or a little more, we issued a directive to the school principals trying to establish what we felt was a reasonable relationship in this instance. . . .[24]

Faced by the fact that 47 percent of all Mexican American first graders do not speak English as well as the average Anglo first grader, many educators in the Southwest have responded by excluding or forbidding the use of the child's native language in the educational process. In essence, they compel the child to learn a new language and at the same time to learn course material in the new language. This is something any adult might find unusually challenging.

The next section will discuss the three most important approaches educators use to remedy the English language deficiency of the Mexican American child. These are Bilingual Education, English as a Second Language, and Remedial Reading.

[23] Staff interview, Dec. 5, 1968.

[24] San Antonio Hearing, p. 273.

II. PROGRAMS USED BY SCHOOLS TO REMEDY LANGUAGE DEFICIENCIES

Bilingual Education

In a few places Spanish is now trickling into the schools as a language for learning and the concept of bilingualism is gaining respectability. The U.S. Office of Education has defined bilingual education as follows:

> *Bilingual education is the use of two languages, one of which is English, as mediums of instruction for the same pupil population in a well organized program which encompasses part or all of the curriculum and includes the study of the history and culture associated with the mother tongue. A complete program develops and maintains the children's self-esteem and a legitimate pride in both cultures.*[25]

Bilingual education is a vehicle which permits non-English speaking children to develop to their full potential as bilingual, bicultural Americans. At the same time, it permits English-speaking children to benefit by developing similar bilingual and bicultural abilities and sensitivities.

There is a great deal of confusion about the

[25] Programs under Bilingual Education Act (Title VII, ESEA), *Manual for Project Applicants and Grantees,* U.S. Office of Education, Mar. 20, 1970, p. 1.

goals, content, and method of bilingual education. For example, the fundamental differences between bilingual education programs and programs in English as a Second Language are very often misundersood. In a bilingual program, two languages are used as media of instruction. But a program does not qualify as bilingual simply because two languages are taught in it. It is necessary that actual course *content* be presented to the pupils in a foreign language, e.g., world history, biology, or algebra. In addition, there is (or should be) in all of the programs an emphasis on the history and culture of the child whose first language is other than English. For maximum effectiveness, a bilingual program should also be bicultural, teaching two languages *and* two cultures.

In Fiscal Year 1969, the Department of Health, Education, and Welfare (HEW) committed $7.5 million for 76 bilingual education programs. (See Figure 5). Sixty-five of the 76 funded programs were for the Spanish speaking and 51 of these were in the Southwest. A breakdown shows that the per pupil expenditure ranged from $188 in Texas to $1,269 in Colorado, where only one program was funded. (See Figure 5A). California received the most money, $2.3 million, but involved only about half as many students as Texas, which received about $2 million.[26]

The figures for Fiscal Year 1970 show a trend toward more bilingual programs, not only for the Spanish speaking but for other language groups as well. There are 59 new programs; all but four of the 76 original ones are still in operation. The total funds almost tripled, showing an increase of $13.7 million, including $7.9 million new money for programs for the Spanish speaking in the five Southwestern States. Per pupil expenditures in these States range from $272 in Texas to $1,110 in Colorado. An important fact is that per pupil expenditure for programs in languages other than Spanish is more than twice that of programs for the Spanish speaking. (See Figure 5B).

With the exception of a few districts in Texas, almost all bilingual education today is offered in small, scattered pilot programs. The Commission estimated that out of well over a million Mexican Americans in districts with 10 percent or more Mexican American enrollment,[26] only 29,000 Mexican American pupils, as well as about 10,000 pupils of other ethnic groups, were enrolled in bilingual education classes when its survey was taken. The breakdown shows the following distribution of students:

	Mexican American Students	Non-Mexican American Students
Elementary School	26,224	7,784
Secondary School	2,776	2,372

While 6.5 percent of the schools in the survey area have bilingual programs, these are reaching only 2.7 percent of the Mexican American student population. In three States—Arizona, Colorado, and New Mexico—they are reaching less than 1 percent of the Mexican American student population. California has programs in more schools, 8.5 percent, but reaches only 1.7 percent of its Mexican American students whereas Texas serves 5.0 percent of its Mexican American students with programs introduced into 5.9 percent of its schools. (See Figure 6).

Figure 6—Percent of Schools Offering Bilingual Education and the Percent of Mexican American Pupils Enrolled in Bilingual Education Classes by State

State	Percent Of Schools	Percent of Mexican American Pupils Enrolled
Arizona	0*	0*
California	8.5	1.7
Colorado	2.9	.7
New Mexico	4.7	.9
Texas	5.9	5.0
Southwest	6.5	2.7

*Less than one-half of 1 percent

While some of the programs have a good balance of Spanish speaking and English speaking students, programs also exist whose enrollments are nearly 100 percent Spanish speaking. These are mostly at the elementary school level. This disturbs many of the programs's long-time advocates, who did not envision bilingual education as a new device to segregate Chicano students nor as

[26] Division of Plans and Supplementary Centers, ESEA, Title VII Branch, U.S. Office of Education, May 1970.

[27] See Appendix E-6 for exact figures.

Figure 5—FUNDS OBLIGATED BY THE U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE FOR BILINGUAL EDUCATION FY 1969*

	Funds Obligated	Participants	Number of Programs	Average Per Pupil Expenditures
Spanish Speaking	$6,690,314	23,788	65	$281
Other	777,152	1,749	11	444
Total	$7,467,466	25,537	76	292

Figure 5A—STATE BREAKDOWN OF FUNDS, PARTICIPANTS, PER PUPIL EXPENDITURE, AND NUMBER OF PROGRAMS FY 1969*

State	Funds	Participants	No. of Programs	Average Per Pupil Expenditures
California	$2,298,025	5,680	23	$ 405
Texas	2,028,170	10,790	19	188
New Mexico	333,559	1,370	4	244
Arizona	224,802	757	4	297
Colorado	101,500	80	1	1,269
Total	$4,986,056	18,677	51	$ 267

* Division of Plans and Supplementary Centers, ESEA, Title VII Branch, U.S. Office of Education, May 1970.

FIGURE 5B—FUNDS OBLIGATED BY THE U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE FOR BILINGUAL EDUCATION FY 1970*

	New Programs	Total Number of Programs	Funds Awarded	Estimated Number of Participants	Average Per Pupil Expenditure
Spanish Speaking	45	108	$17,731,731	47,482	$ 373
Southwest	34	85	12,883,075	33,485	385
Arizona	1	5	641,845	1,285	499
California	18	41	6,467,028	12,457	519
Colorado	1	2	260,823	235	1,110
New Mexico	2	6	636,398	1,570	405
Texas	12	31	4,876,981	17,938	271
Remainder of Country	11	23**	4,848,656	13,997	366
Other	14	23**	3,449,801	4,436	778
Total	59	131	$21,181,532	51,918	$408

*Two programs in each discontinued.

** Information by Division of Plans and Supplementary Centers of ESEA, Title VII Branch, Office of Education, October 1970.

a "compensatory" project for non-English speaking pupils.[28]

Districts throughout the Southwest report a growing need for bilingual teachers for these programs. The Commission estimated the percent of teachers involved in bilingual education programs, as well as the number in in-service training for bilingual education. (As shown in Figure 7). Survey statistics show that only 1.2 percent of Texas' teachers participate in bilingual education programs in that State. The other four Southwestern States show one-half of 1 percent or less.

In all States, many of the teachers working in these programs have had less than six semester hours of training for their assignments. None of the States showed more than 2.0 percent of their teachers taking in-service training for bilingual education during the 1968-69 academic year. Colorado showed no teachers taking in-service training.

An evaluation of the principal features of the first 76 bilingual schooling projects supported by grants under the Bilingual Education Act indicates that "the in-service training components of the 76 projects in most cases consisted of a brief orientation session before the fall term began".[29] The report went on to explain that here is evidence that the "other medium" teachers (those expected to teach some or all of the regular school subject areas through the children's mother tongue) are not adequately prepared to teach in bilingual education programs. In most of the program descriptions, the qualifications for the staff are carefully set forth. Forty-nine of the 76 programs called merely for "bilingualism" or "conversational ability" in the second language. Six stipulated "fluent" bilinguals, while only one or two specified the ability to read, write, and speak the two languages. Some simply state that teachers would be "hopefully" or "preferably" bilinguals.

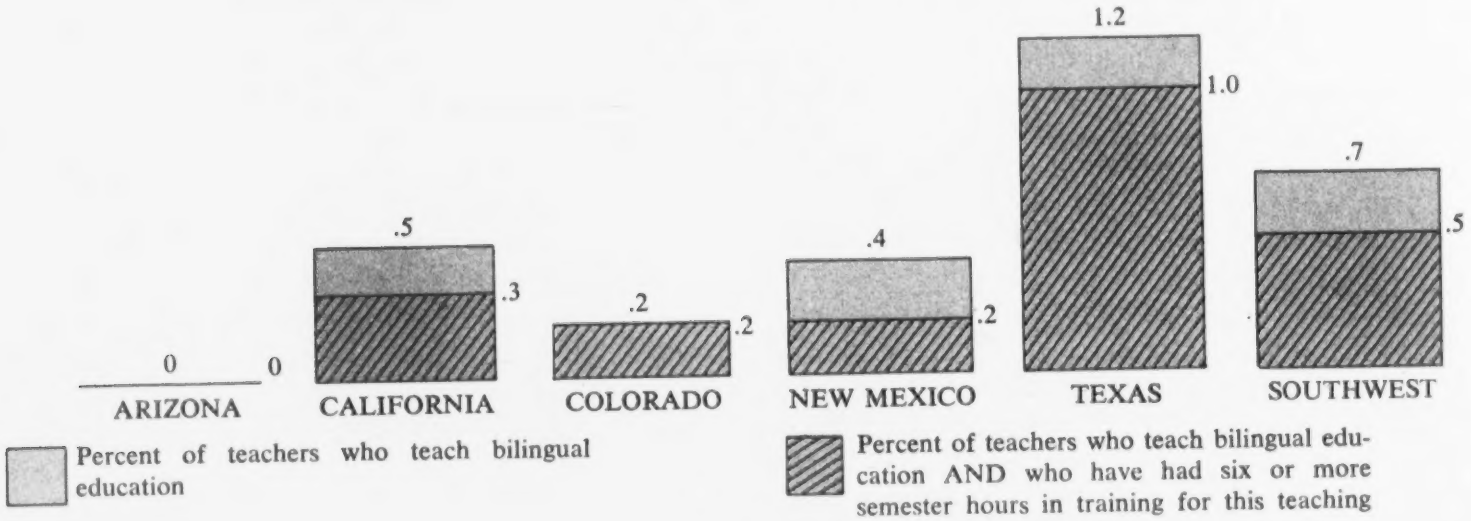
[28] Dr. Albar Pena, Director of Bilingual Education Programs, U.S. Office of Education. Status Report on bilingual education programs given to the Task Force de la Raza at its Albuquerque, N. Mex. conference Nov. 19, 1970.

[29] Gaarder, B., "The First Seventy-Six Programs", U.S. Office of Education, Washington 1970, p. 18.

The evidence indicates that bilingual programs have had little impact on the total Mexican American school population. Despite verbal support from school principals and district superintendents and economic support from the Federal Government, bilingual education reached only 2.7 percent of the Southwest's Mexican American students—about one student out of every 40.

Figure 7

Staff Resources Allocated for the Teaching of Bilingual Education by State



English As a Second Language

English as a Second Language (ESL) is a program designed to teach English language skills without the presentation of related cultural material. It is taught for only a limited number of hours each week, with English presented to Spanish speaking children in much the same way that a foreign language is taught to English speaking students. The objective is to make non-English speakers competent in English and, by this means, to enable them to become assimilated into the dominant culture. Programs in ESL are very often utilized as a compensatory program for Mexican American students. ESL, a purely linguistic technique, is not a cultural program and, therefore, does not take into consideration the specific educational needs of Mexican Americans as an unique ethnic group. By dealing with the student simply as a non-English speaker, most ESL classes fail to expose children to approaches, attitudes, and materials which take advantage of the rich Mexican American heritage.

A variant of the standard ESL program is the Spanish-to-English "bridge" program. This method uses the child's mother tongue for purposes of instruction as a "bridge" to English, to be crossed as soon as possible and then eliminated entirely in favor of English as the sole medium of instruction. With these the special quarrel is that the bridge very often seems to go only in one direction.[30] Furthermore, because this program deals exclusively with non-English speakers, it provides an invitation for ethnic segregation to occur in schools.

In its survey the Commission found that an estimated 5.5 percent of Mexican American students in the Southwest are receiving some type of English as a Second Language instruction. This is more than twice the proportion receiving bilingual education. A breakdown by States (see Figure 8) shows Texas offering ESL to the highest percentage of Mexican American students—7.1 percent —with Colorado offering it to the lowest—0.9 percent. California has the greatest number of schools offering ESL, 26.4 percent, but the programs reach only 5.2 percent of its Mexican American students.

The study also found that there was a strong correlation between the ethnic composition of schools and the percent of schools and students

Figure 8—Percent of Schools Offering ESL and the Percent of Mexican American Students Enrolled in ESL classes by State

State	Percent of Schools Offering ESL	Percent of Mexican American Students Enrolled in ESL
Arizona	9.3	3.8
California	26.4	5.2
Colorado	1.9	.9
New Mexico	15.7	4.5
Texas	15.8	7.1
Southwest	19.7	5.5

participating in ESL programs. (See Figure 9).

A distinct rise is found in both the proportion of schools and the number of Mexican American students participating as the Chicano enrollment increases. However, these programs are much more likely to be found in the institution than to be reaching the Mexican American student. That is, a comparatively large number of schools may be providing the program, particularly where the concentration of the Mexican American pupils is the greatest, but these programs are serving only a small proportion of students. Thus, in the Southwest nearly 50 percent of all schools with an enrollment that is 75 percent or more Mexican American have adopted an ESL program, yet less than 10 percent of the Chicanos enrolled in these schools are served by this type of program. It will be recalled that principals in these same schools reported that almost two-thirds of the first grade pupils fail to speak English as well as their Anglo peers.

Staff resources for ESL are limited. Less than 2 percent of all teachers are assigned to ESL programs, and many of these have less than six semester hours of relevant training. (See Figure 10). In the 1968-69 school year only 2.4 percent were enrolled in ESL in-service training.

Remedial Reading

Remedial reading is a long-established educational concept created to help all students whose reading achievement is below grade level. In the Southwest, low reading achievement has been one of the principal educational problems of the Mexican American student. By the fourth grade, 51 percent of the Southwest's Chicano students are 6

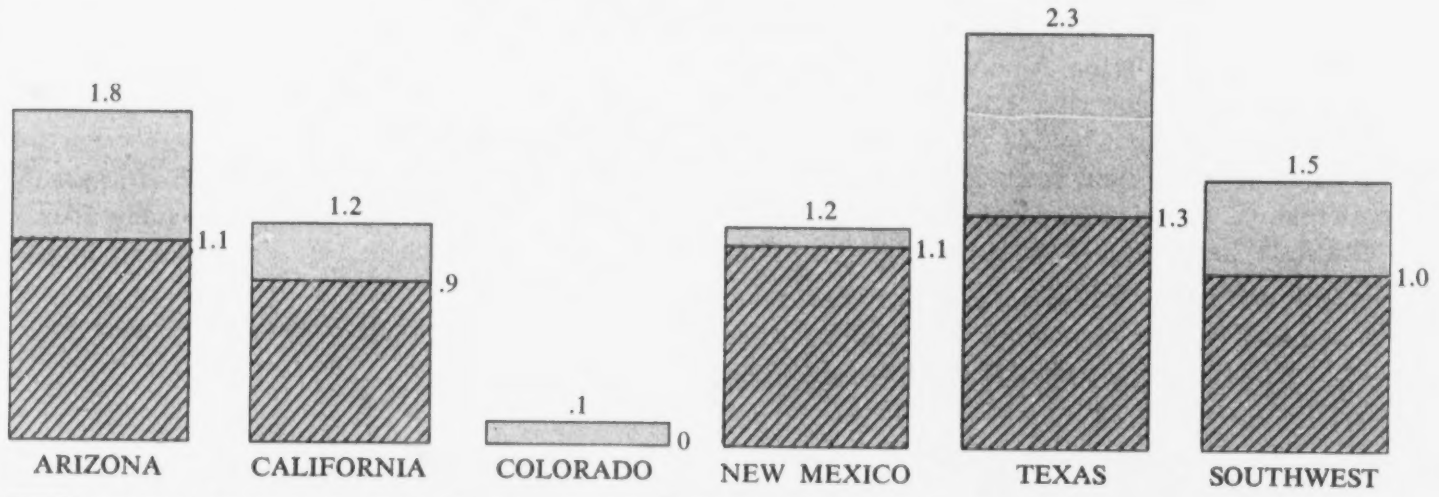
[30] Gaarder, op. cit., p. 2.

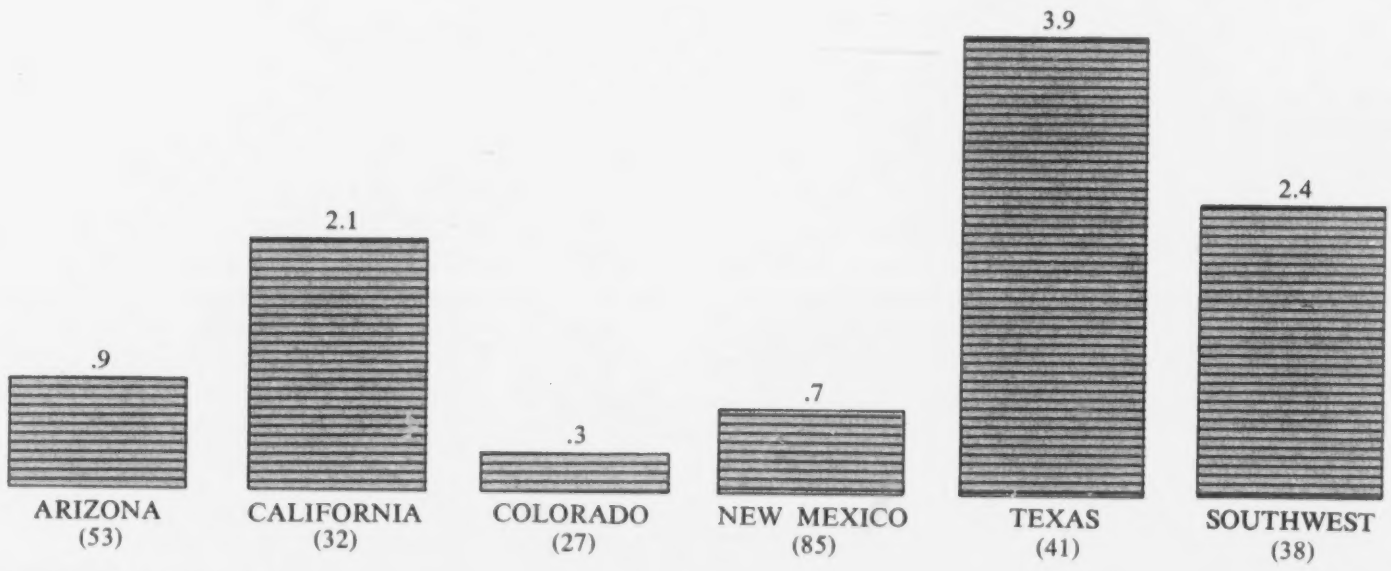
Figure 9—Percent of Schools Offering ESL and Percent of Mexican American Students Enrolled in ESL Classes by Percent of Enrollment that is Mexican American

Percent of Mexican American Enrollment	Percent of Schools Offering ESL	Percent of Mexican American Students Enrolled in ESL
0–24.9	9.4	2.5
25–49.9	27.1	4.0
50–74.9	29.1	4.7
75–100	46.0	9.7

Figure 10

Staff Resources Allocated for the Teaching of English as a Second Language by State





months or more below grade in reading. Seventeen percent are two or more years behind. By the eighth grade, 64 percent of the Chicano students are 6 months or more behind. Finally by the 12th grade, 63 percent of all Chicano students —those "elite" who are left after an estimated 40 percent have already dropped out along the way —are reading 6 months or more below grade level, with 24 percent still reading at the ninth grade level or below.[31]

Using a strictly monolingual approach, remedial reading receives much better acceptance in practice by educators than either bilingual education or ESL. Many Southwestern schools are providing some form of remedial program to improve the ability of the Mexican American children in the language arts. However, the Study shows that although more than half of the Southwest public schools offer remedial reading courses, only 10.7 percent of the region's Mexican American students are actually enrolled in these classes. There is little variation among States. (See Figure 11). Compared to the number of Mexican American students who are experiencing significant difficulties in reading, a figure which surpasses 60 percent in junior and senior high school, the number receiving attention is quite small. Compared to the number who are receiving Bilingual Education (2.7 percent) or English as a Second Language (5.5 percent), however, the figure is more impressive.

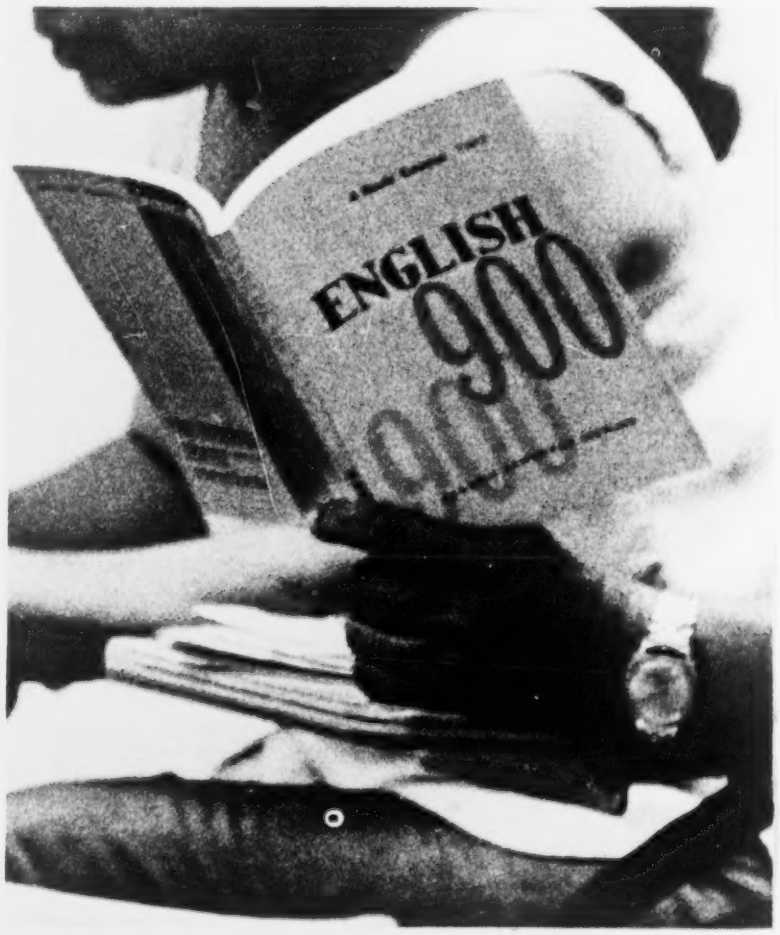
Figure 11—Percent of Schools Offering Remedial Reading and Percent of Students Enrolled in Remedial Reading Classes, By State

State	Percent of All Schools	Percent of All Students	Percent of Mexican American Students
Arizona	55.8	8.6	11.4
California	65.3	6.5	10.0
Colorado	58.1	7.1	11.7
New Mexico	40.9	5.7	8.1
Texas	51.5	8.4	11.8
Southwest	58.2	7.0	10.7

Remedial reading is provided to secondary as well as elementary school students and its availability to Mexican Americans is nearly equal at both levels. Elementary schools are providing remedial reading to 10.7 percent of the Chicano students; in secondary schools the figure is 10.6 percent. In each case, it is reaching only one out of every five of these minority students who, by school measurements, need it. Forty-four percent of the Southwest's elementary schools offer no remedial reading at all, while 32 percent of the region's secondary schools fail to offer it.

A look at staff resources (see Figure 12) shows that 3.9 percent of the Southwest's teachers teach in remedial reading programs, with 3.2 percent of them having had six or more semester hours of relevant training. In 1968-69, slightly more than 3 percent were receiving remedial reading in-service training.

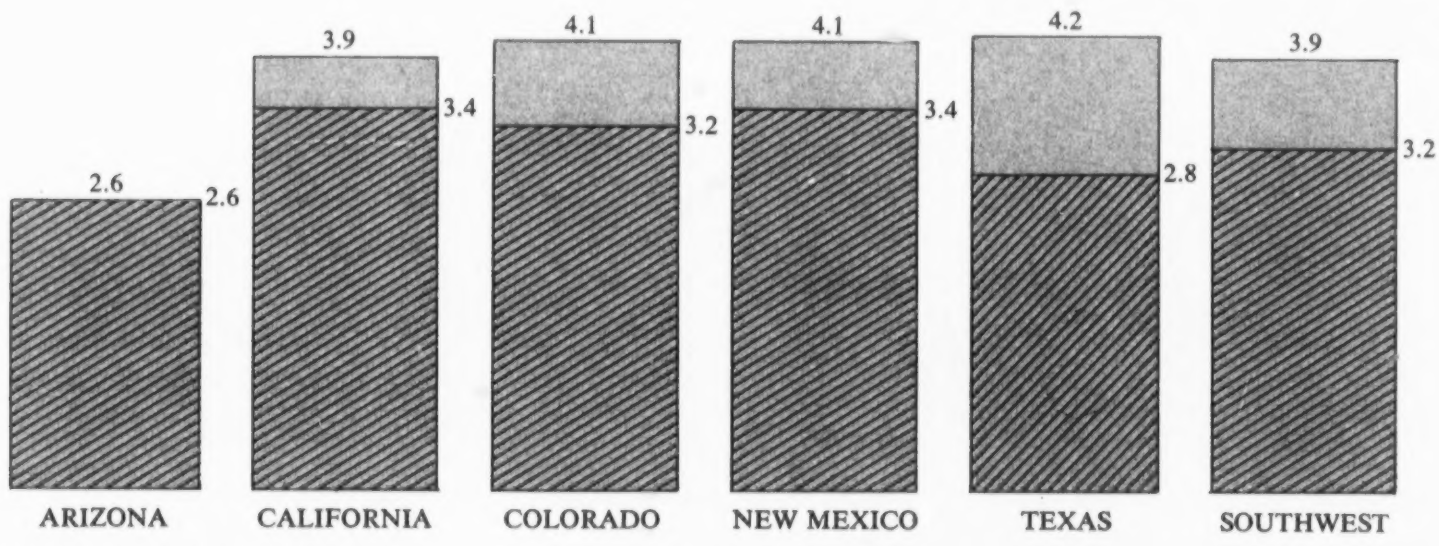
In general, remedial reading programs for the Spanish speaking are no different from those addressed to other "disadvantaged" children. Few special programs significantly modify the school; most are intended to adjust the child to the expectations of the school. Remedial reading focuses on achievement which, in a real sense, is not the problem, but rather a *symptom* of the broader problem of language exclusion in the schools.

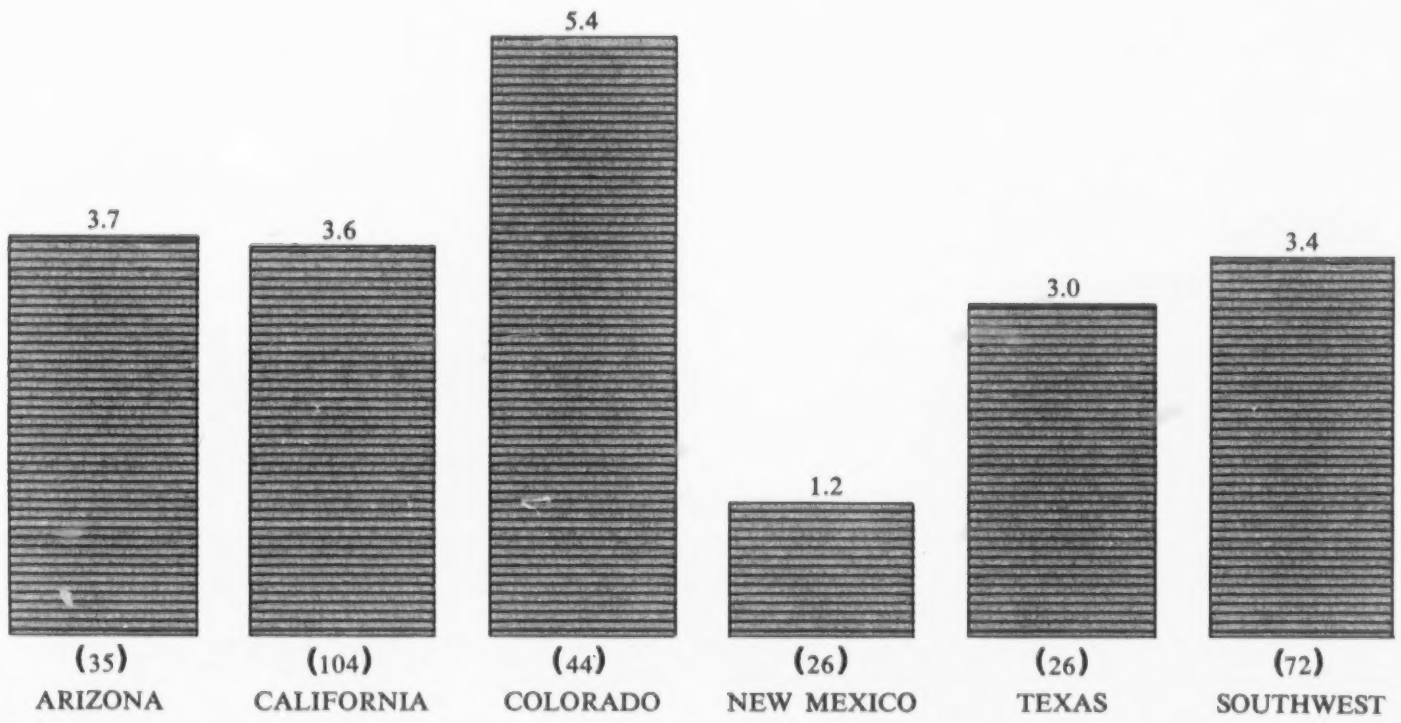


[31] See Report II of this series, p. 25.

Figure 12

Staff Resources Allocated for the Teaching of Remedial Reading, by State





III. EXCLUSION OF INDO-HISPANIC HERITAGE

It would be erroneous to assume that there exists a single, distinct, and definable Mexican American "culture". There are significant differences among Mexican American students in the Southwest—differences that reflect variations in geographic area, in socioeconomic status, in levels of acculturation, and in individual personality. Nevertheless, Mexican Americans share common traits, common values, and a common heritage, which may be identified as components of a general Mexican American cultural pattern that set them apart as a distinct and recognizable group. If they are to benefit from the overall educational experience, these qualities must be recognized in educational practices and policies.

A somewhat different type of cultural exclusion, more subtle and indirect than the prohibition of language, is the omission of Mexican American history, heritage, and folklore from the academic curricula. In spite of the rich bicultural history of the Southwest, the schools offer little opportunity for Mexican Americans to learn something about their roots—who they are and where they came from and what their people have achieved. The curriculum in general, and textbooks in particular, do not inform either Anglo or Mexican American

pupils of the substantial contributions of the Indo-Hispanic culture to the historical development of the Southwest. As one history teacher at the San Antonio Hearing commented:

> *I think Latin Americans of San Antonio talk so much about their Latin American heritage, their Latin American history, but they actually know very little about it. There's no opportunity that they could possibly learn anything. The Texas history that is taught on the seventh grade level is done within a semester and they have to race through it.*[32]

And Marcos de Leon, a founder and past president of the Association of Mexican American Educators, has charged:

> *Textbook after textbook supports the notion that the early settlers of the Southwest—Spanish and Indian and mixed-blood pioneers who came from Mexico, as well as Indians native to the region—wandered around in confusion until the Anglo-Saxon, with his superior wisdom and clearer vision vaulted the Rocky Mountains and brought order out of chaos.*[33]

Beginning in the early 1960's, Mexican American organizations have become active in protesting against the effect that such degrading textbook distortions make on the minds of Chicano students and their Anglo classmates. Texas was recently the target of a report by its own State Board of Education's Committee on Confluence of Texas Cultures. This group charged the State's public schools with using textbooks containing "an inexcusable Anglo American bias". "This is not a conscious prejudice," the Committee said, "but simply an ignoring of the significance of roles played by people other than those from the United States. The fact that it is not consciously done does not lessen its impact."[34]

The Commission heard testimony at the San Antonio Hearing on the cultural bias of history courses in Texas schools. According to José Vasquez, a former student of Lanier High School in San Antonio:

> *Having been under this teaching of Texas history, to me it is not true Texas history. I am given the impression that the Texas history that is being shown to me is the Texas history of the Anglo here in Texas, not the Texas history of the Mexican American or the Mexicano. It is to show that the Anglo is superior.*[35]

A history teacher in San Antonio High School testified that:

> *Generally speaking, most Texas history courses that are offered are Anglo oriented in regard to that Texas history begins with the Battle of the Alamo, or 1836. I focus on the other extreme of Texas history, the Hispanic period. We begin in 1519 and we go up and through 1836.*[36]

The Anti-Defamation League of B'nai B'rith has conducted a national study of junior and senior high school social studies textbooks and concluded that it had failed to find a single text presenting a "reasonably complete and undistorted picture of America's many minority groups." It characterized the Mexican American as having replaced the black as the Nation's "invisible man".[37]

In order to obtain factual data in this area, the Commission asked both elementary and secondary school principals if their schools offered any special Mexican American "units"[38] in their social studies classes. Only California showed a better than 50 percent positive response in school districts 10 percent or more Mexican American. (See Figure 13). Arizona's secondary schools responded with the lowest figure of 18 percent.

Statistics on schools offering and students enrolled in courses in Mexican American history are even lower. (See Figure 14). Only 4.3 percent of the Southwest's elementary schools and 7.3 percent of the secondary schools include Mexican American History in their curriculum. In Texas only 2.1 percent of the elementary and 1.1 percent of the secondary schools offer this as a course. The Southwest figures for total pupil enrollment in Mexican American History is 1.3 percent for elementary , and 0.6 percent for secondary schools, respectively. (See Figure 14 A)

[32] San Antonio Hearing, p. 134.

[33] Address given at the third annual convention of Mexican American Educators, 1968.

[34] Report submitted by Consulting Committee on Confluence of Texas Cultures to Texas State Board of Education, April 1970.

[35] Testimony, San Antonio Hearing, p. 199.

[36] *Ibid,* p. 133. For other reference see pp. 134, 138.

[37] New York Times, May 10, 1970.

[38] Unit here is defined as a specific content area of instruction.

Figure 13

Does Your School Provide for Special Units in Mexican, Spanish American, or Hispanic History in Social Studies Classes? Percent "Yes" Responses by State

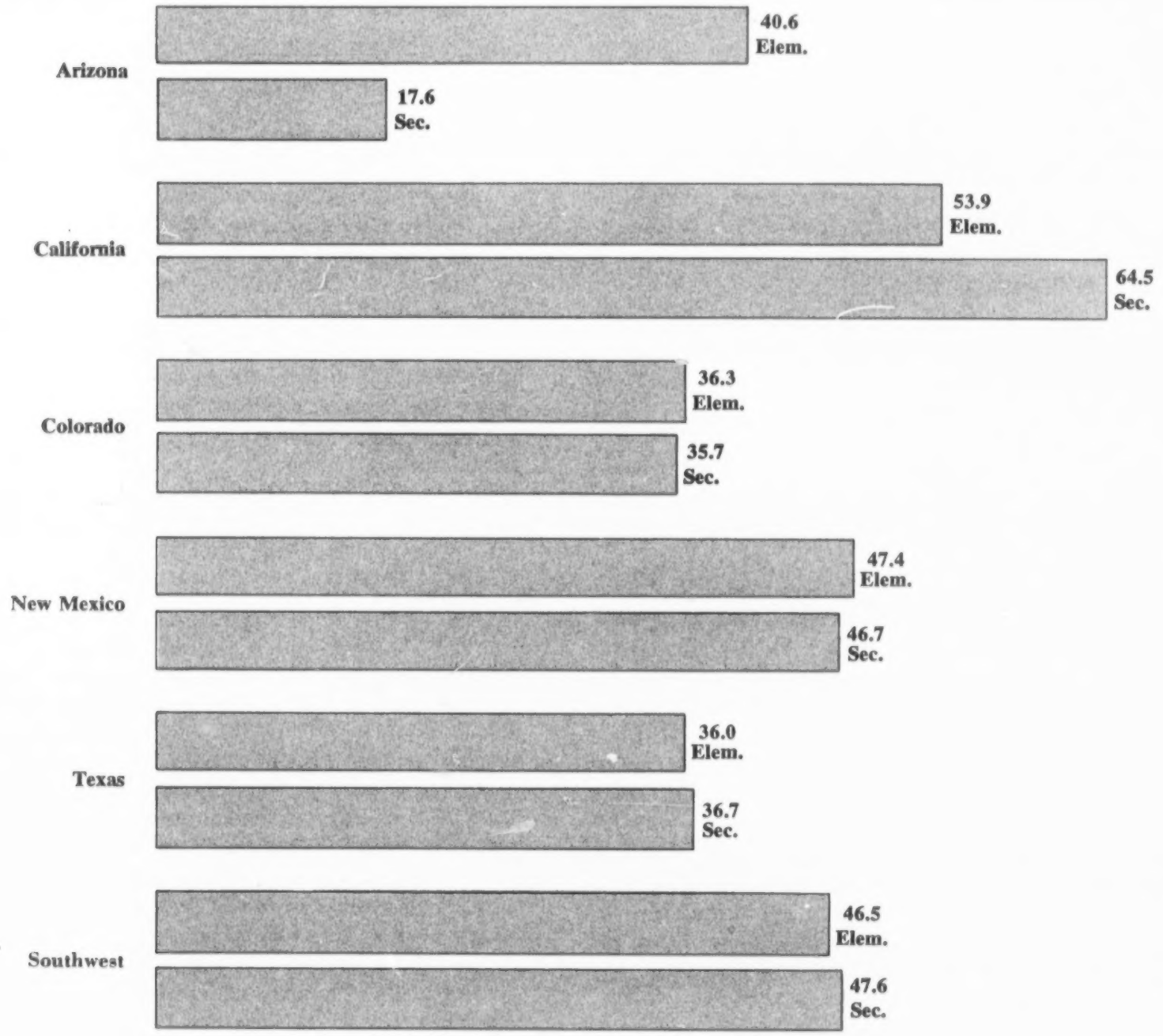
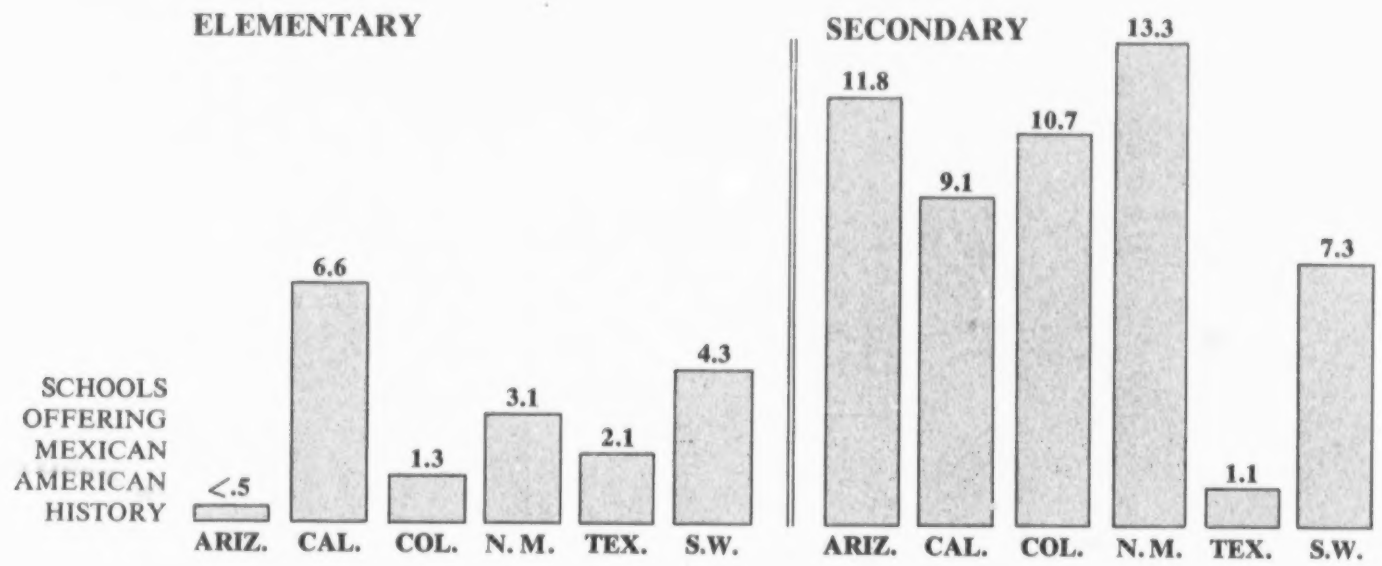
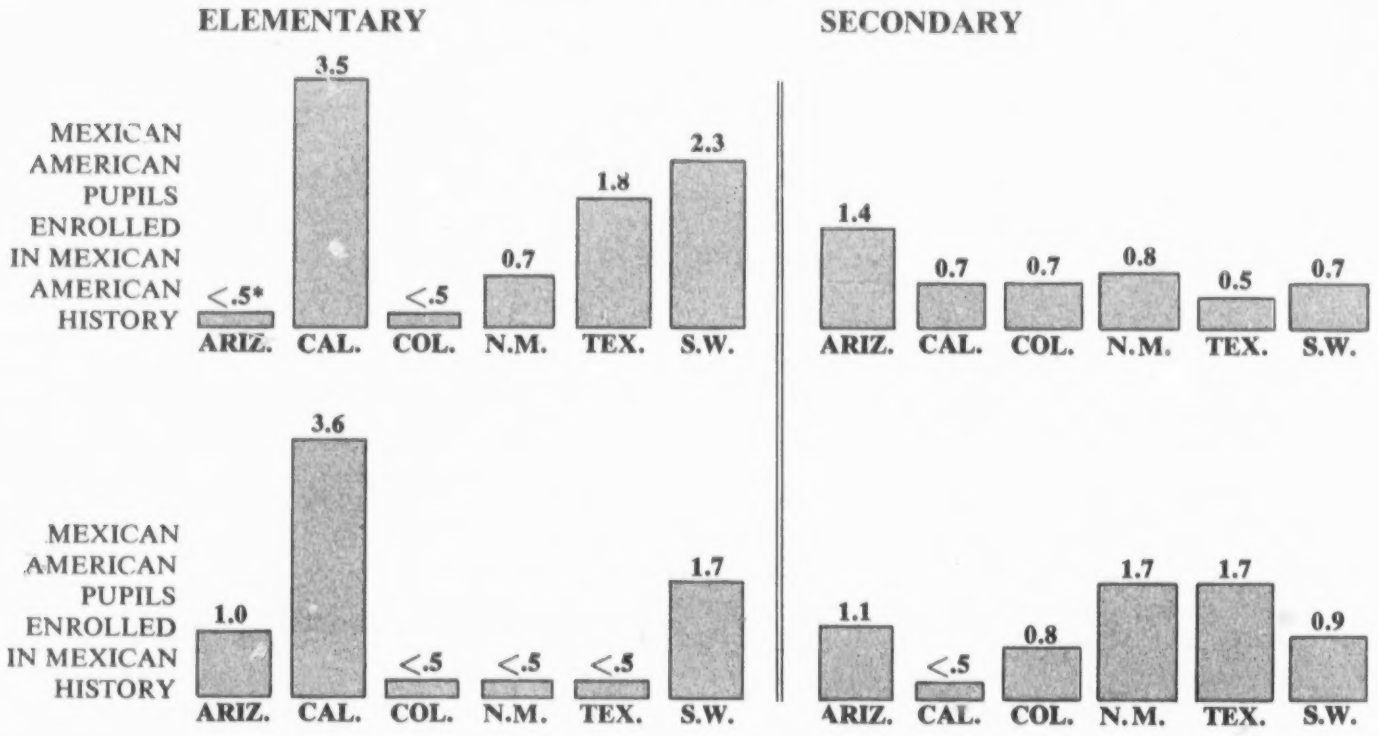


Figure 14

Percent of Elementary and Secondary Schools Offering Mexican and Mexican American History by State



Percent of Pupils Enrolled in Mexican and Mexican American History by State



* <: Mathematical symbol denoting "less than."

The elementary pupil enrollment is almost negligible in Arizona, Colorado, and New Mexico—less than one-half of 1 percent.

One explanation for the negligence with which schools treat the Mexican American heritage is that the curriculum is based on the assumption of complete assimilation and acculturation of "foreign" groups. In the view of many who run our system of education, the principal function of the school "is to teach Americanism, meaning not merely the political and patriotic dogma, but the habits necessary to American life—a common language, common tolerances, a common political and national faith." [39]

Thus, even though two cultures co-exist in the Southwest, acculturation is essentially a one-way process in the schools. As one commentator has pointed out, the minority group must embrace the Anglo-American society in its totality, while the majority group is free to "pick and choose" those aspects of the minority heritage which it fancies.[40] The result of this process is "cultural selectivity"—another facet of cultural exclusion.

The "fantasy heritage"[41] exemplifies cultural selectivity in action. It embraces the mythical charm of early California: Spanish food, Spanish music, Spanish costumes, the rancheros, caballeros, and senoritas with gardenias behind their ears. The main trouble with this view of Mexican American life is that it bears no relation to reality, past or present.[42]

Carey McWilliams recalls that for many years it has been a custom in southern California cities like Los Angeles, Santa Barbara, and San Diego for the modern rich and selected descendants of the *Californios*—early Californians—to polish their silver spurs and mount their white horses and relive the State's idyllic yesterday with round after round of parades and fiestas. Then he points out that early California, as recollected by the romanticists, is more fable than fact, and that the original settlers of Los Angeles were two Spaniards, one mestizo, two Negroes, eight mulattoes, and nine Indians. He comments:

> *When one examines how deeply this fantasy heritage has permeated the social and cultural life of the borderlands, the dichotomy begins to assume the proportions of a schizophrenic mania.*[43]

The executive director of the Mexican American Opportunity Foundation, Dionicio Morales, spoke before the Los Angeles City Human Relations Commission in October 1970, and said: "We're tired of wearing costumes on your city hall steps. Let us wear ties at your city hall desks."

The Commission found many vestiges of the "fantasy heritage" in the classrooms of the Southwest. The questionnaires asked school principals what activities they provided relating to Mexican Americans. Their answers indicate that the schools are making efforts to involve the students' culture, but most responses made direct references to the manifestations of culture which stereotype Mexican Americans—eating tacos, dancing, holding fiestas, playing guitars, wearing colorful costumes—and to activities which are not Mexican at all, but Spanish—Flamenco dancing, Spanish foods and music, and the like.

Two hundred and forty-eight school principals provided information concerning specific activities in addition to those listed which they considered relevant to Mexican American parents and students.[44]

Some of the activities listed in the answers reflect a sincere and conscious effort on the part of the schools to provide informative and timely cultural opportunities of high quality for Chicano students and parents:

1. PTA brochures printed in Spanish and English, and parent education groups in Spanish.
2. Ballet Folklorico de Berkeley, the history of Mexico in song and dance, presented bilingually for parents on three TV stations.
3. School dismisses early to permit pupils to join with the people of the community in the celebration of 16 *de septiembre*.

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[39] Brogan, D. W., *The American Character*. New York: Alfred A. Knopf, 1950 pp. 135-36.

[40] Dr. Rudy Acuna, *Culture in Conflict*, Charter Books, Anaheim, Calif., 1970.

[41] The term used by Carey McWilliams in *North from Mexico*, Greenwood Press, Westport, Conn. 1948.

[42] The fantasy heritage idealizes life in the Far West as a gay pageant of leisurely pleasures, guided by kindly mission padres and rich benevolent ranchers (all with Spanish pedigrees) whose generosity, paternal love, and regularly scheduled fiestas endeared them to the humble, somewhat shiftless Indians and Mexicans who tended their crops and rounded up their cattle.

[43] McWilliam, Carey, *North from Mexico*, p. 36.

[44] See Appendix B for full presentation of the results to question 23.

4. There are approximately 1,000 books relative to Mexican American culture in the school library.
5. Mexican American youth organization on campus to promote better relations among the ethnic groups, with 60 members this year.

On the other hand, some schools boasted of activities of dubious value either to the school in general or to Mexican Americans in particular:

1. Mexican dinners every 2 years.
2. The holidays of Mexico are observed in the same way as St. Patrick's Day, holidays of Sweden and Bastille Day and the like.
3. To a limited degree we discuss the war between California and Mexico.
4. There is a program every year for non-English speaking children. This program is done in English.
5. The PTA usually has one Spanish program by natives of Mexico.

The stress is clearly on the exotic rather than the fundamental cultural value system of Mexican Americans. The information does not imply that the schools have incorporated these and other more basic aspects of the culture into the total fabric of the school's curriculum.

Many educators, Mexican American parents, and students are demanding that textbooks and curricula be revised to give a more authentic representation of Mexican American history and culture.[45] In fact, in the last 2 years, a series of confrontations between schools and the Mexican American community has taken place as a result of these grievances. Demonstrations have taken place in the Midwest in Chicago and Kansas City, and in the Southwest in Los Angeles, Denver, Abilene, San Antonio, and Edcouch Elsa, Texas. The lists of demands vary little and always stress the same three factors:

1. Revision of textbooks and curriculum to show Mexican contribution to society;
2. Compulsory teacher training in Mexican cultural heritage;
3. Right to speak Spanish in school.

[45] Hearings on Bilingual Education by the Senate Subcommittee on Education, May 1967.

IV. EXCLUSION OF THE MEXICAN AMERICAN COMMUNITY

Community involvement, a powerful concept which has strongly influenced educational policy, holds that the school must actively shape its own policies and programs to the interests and needs of the local community. There are a variety of communications techniques available to schools by which they can involve the community in schools affairs:

Notices sent home
Citizen participation in school study and advisory groups
Newspapers, radio, and television speakers' bureau
Community relations specialists
Parent-Teacher organizations

In order to determine the extent to which the schools are seeking to involve the Mexican American community this study looked at four specific areas of community involvement.

Community Relations Specialists

The community relations specialist is a relatively new breed of public servant designed to make government more responsive to the needs of the people. Whether he works for a school district, a police department, a mayor, or a Governor, his powers are generally limited to those of persuasion. He works with all segments of society, the status quo adherents and the militants, the

establishment reformers, and the community activists. He is described, depending on the point of view of those describing him, as a "buffer, an ombudsman, a revolutionary, a sellout and an apologist for the system".[46] He is an essential middleman in most Mexican American communities today, for in these times of social tension it is the community relations specialist whose job it is to keep the lines of communication open.[47]

The employment of a community relations specialist is an indication of awareness by the educational institution of its need for communicating with the Mexican American population to inform and involve it.

The Commission's Study, using 1968-69 school year figures, shows that very few districts employ community relations specialists. According to the Survey results, 84 percent of the districts did not employ them. Such positions have been established almost entirely in large school districts. In the 271 surveyed districts with less than 3,000 pupils, only 10 employed community relations specialists. In those surveyed districts with 3,000 students or more, there were 113 community relations specialists: 50 were Anglo; 36 were Mexican American; and 27 were black. Figure 15 shows the distribution of community relations specialists by State.

Figure 15—Number of Community Relations Specialists In Districts with 3,000 Pupils or More, By State

States	Number of Community Relations Specialists	Number of Districts
Arizona	6	16
California	84	133
Colorado	5	10
New Mexico	6	17
Texas	12	85
Southwest Total	113	261

Despite the need, most school systems have not established this type of communication with the barrio. In fact, Figure 16 shows that only 10 are found in predominantly Mexican American school districts.

From these data it can be ascertained that the schools are excluding the Mexican American community from the type of communication and involvement that a community relations specialist can provide.

Contacts With Parents

On May 25, 1970, HEW notified all school districts in the Nation which have more than 5 percent national origin-minority group children that:

> *School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.*[48]

How do the Southwestern public schools attempt to communicate with the Spanish speaking parents of their students? In its survey the Commission sought information on two common contacts which parents have with the teachers and administrators of their children's school: notices sent home and PTA meetings.

[46] Statement of Arturo Franco, Community Relations Specialist; Rio Hondo College, Calif., December 1970, Los Angeles State College Conference of EOP Directors.

[47] The role of the community relations specialist has generally been defined by superintendents to include the following functions:

1. Does school-community liaison work requiring knowledge of all segments of the community as well as school organization, school goals and policies and other agencies that deal with students or parents through the school organization.
2. Has talent for use of diplomacy and tact in defining specific social problems and in bringing them to the attention of the proper school officials, community agencies, or individuals involved.
3. Assists in resolving problems in the best interest of the student, consistent with policies of the district and forwarding good community relations.
4. Assists individual schools in organizing parent advisory groups.
5. Should be bilingual and/or a member of the minority group to be served.
6. Disseminates information relating to bilingual-bicultural programs, their intent and directives and objectives.
7. Demonstrates cultural awareness features, techniques, and services of program through audio-visual aids to parents and other members of the community.
8. Is familiar with community services available for information of the program participants and the community. These services include such items as recreation facilities, educational radio and TV programs, adult education centers.
9. Organizes in-service awareness programs.

[48] See Appendix D for complete text.

Figure 16—Number of Community Relations Specialists in Districts with Enrollments of 3,000 or More by Ethnic Compositions of Districts

Percent Mexican American Enrollment	10-23.3	23.4-36.7	26.8-49.9	50-100	TOTAL
Number of Districts	132	54	26	41	253*
Number of Community Relations Specialists	78	19	5	10	112**
Number of Mexican American Community Relations Specialists	25	7	2	2	36

*The eight districts with more minority pupils (other than Mexican American) than Anglo pupils have been excluded from the first three columns.

**Out of 113 community relations specialists, one was employed in one of the eight districts above.

Notices Sent Home

Schools maintain a constant flow of information to parents concerning school activities. Information is provided to the parents most often through the mail or through notices sent home with the children. Notices sent home deal with such items as changes in the school lunch program, modification of the dress code, disciplinary action against a child, and curricular changes or rules and regulations.

According to preliminary estimates by the U.S. Bureau of the Census, there are more than four million persons in the Southwest who identify Spanish as their mother tongue. At least 60 percent of these report that Spanish is still the principal language spoken in their home.[49] Yet only about 25 percent of the elementary schools and 11 percent of the secondary schools send notices in Spanish to parents. (See Figure 17-18).

Parents who have children in schools with a high concentration of Mexican Americans are much more likely to receive written notification of school activities in Spanish than are those parents whose children attend less segregated schools. In elementary schools, 65 percent of the schools with 75-100 percent Mexican American student population send notices in Spanish, while only 9.1 percent of those schools with 0-24 percent Mexican American students send notices in Spanish. (See Figures 17). Yet almost 170,000 (22 percent) of all Mexican American elementary pupils are to be found in the survey area schools with 0-24 percent Mexican American enrollment.

Figure 17—Percentage of Elementary Schools in Districts 10 Percent or More Mexican American Which Send Notices in English Only or in Spanish and English by Percent of School Population That Is Mexican American, Southwest.

	English Only	Spanish & English
0-24	90.9%	9.1%
25-49	65.1	34.9
50-74	64.7	35.3
75-100	35.2	64.8
Total Southwest	75.2	24.8

[49] U.S. Bureau of the Census, *Persons of Spanish Origin*, November 1969. PC-20, No. 213, February 1971, Tables 9 and 13.

Secondary schools reveal a similar pattern. While approximately one-third of the secondary schools with a 75-100 percent Mexican American enrollment sent notices home in English and Spanish, less than 6 percent of the secondary schools 0-25 percent Mexican American did so. (See Figure 18.) Nevertheless, these schools contain more than 30 percent (90,000) of the Chicano pupils in the survey area.

Among the States only in California and Texas do as many as 25 percent of the elementary schools send out notices in Spanish and English. In Colorado less than 7 percent (about one in 15) send out such notices. At the secondary level, proportions are much smaller. In two States, Arizona and Colorado, none of the secondary schools surveyed reported that they send out notices in both languages. (See Figures 19A and 19B.) These data indicate the failure of the Southwest schools to communicate in Spanish with a large proportion of the Spanish speaking parents. The HEW memorandum of May 1970

Figure 18—Percentage of Secondary Schools in Districts 10 percent or More Mexican American Which Send Notices in English Only or in Spanish and English, by Percent of School Population That is Mexican American, Southwest.

	English Only	Spanish & English
0-24	94.1%	5.9%
25-49	86.8	13.2
50-74	66.7	33.3
75-100	64.7	35.3
Total Southwest	88.6	11.4

points out that failure to communicate with Spanish speaking parents in a language they understand has the "effect of denying equality of educational opportunity to Spanish-surnamed pupils." The Department defines this as a practice which violates the Civil Rights Act of 1964. (See Appendix D.)

PTA Meetings

Parent-Teacher meetings provide another opportunity for the flow of important information regarding the school and the students. Parents who do not understand English may find themselves excluded from full participation in parent-teacher meetings where only English is used.

The Commission found that about 8 percent of the surveyed elementary schools and about 2 percent of the secondary schools use Spanish in conducting PTA meetings. In fact, none of the secondary schools in Arizona, Colorado, or New Mexico reported using Spanish in PTA meetings. (See Figures 19C and 19D.)

Figure 19A

Percentage of Schools in Districts 10 Percent or More Mexican American Which Send Notices Home in Spanish as Well as English—Elementary

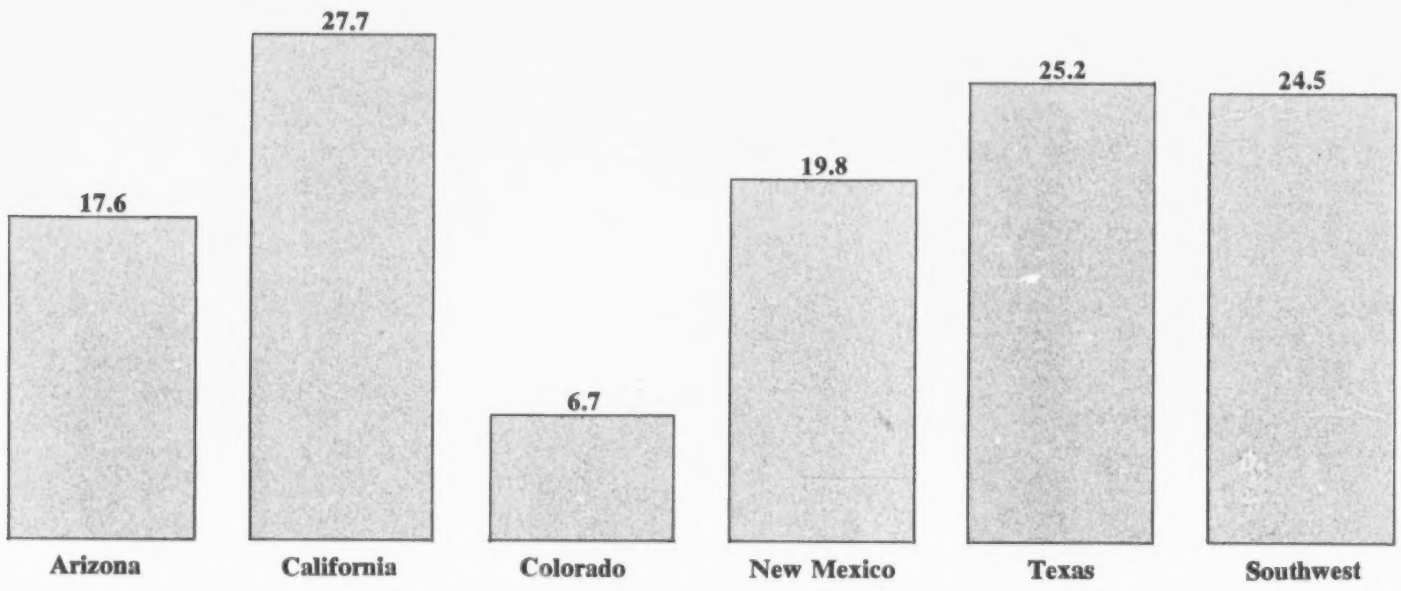
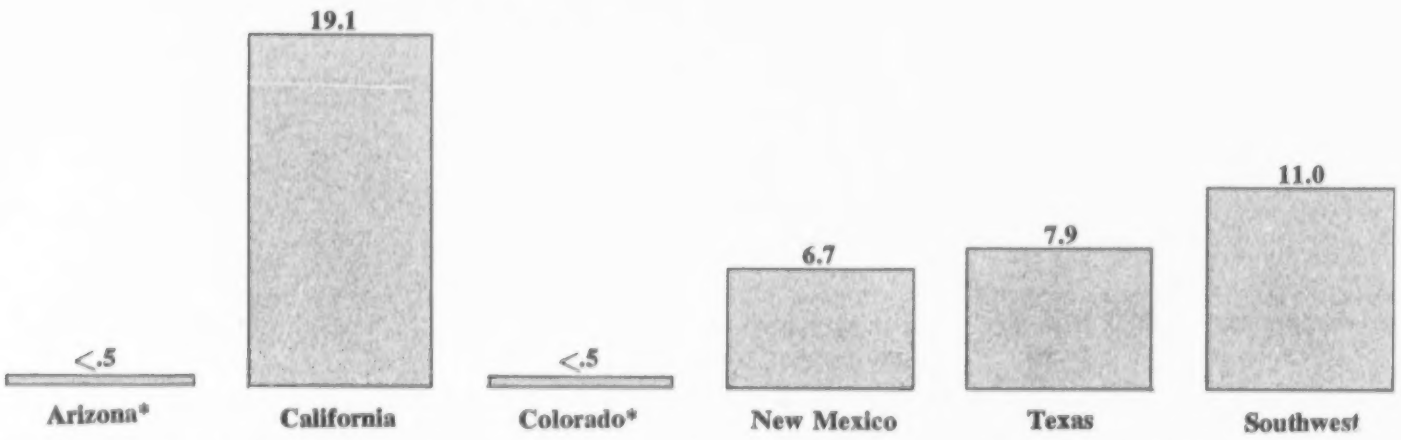


Figure 19B

Percentage of Schools in Districts 10 Percent or More Mexican American Which Send Notices Home in Spanish as Well as English—Secondary



*Although none of the schools surveyed reported that they send notices home in Spanish, some schools not surveyed in these States may follow this practice.

Figure 19C

Percentage of Schools in Districts 10 Percent or More Mexican American Which Conduct PTA Meetings in Both Spanish and English—Elementary

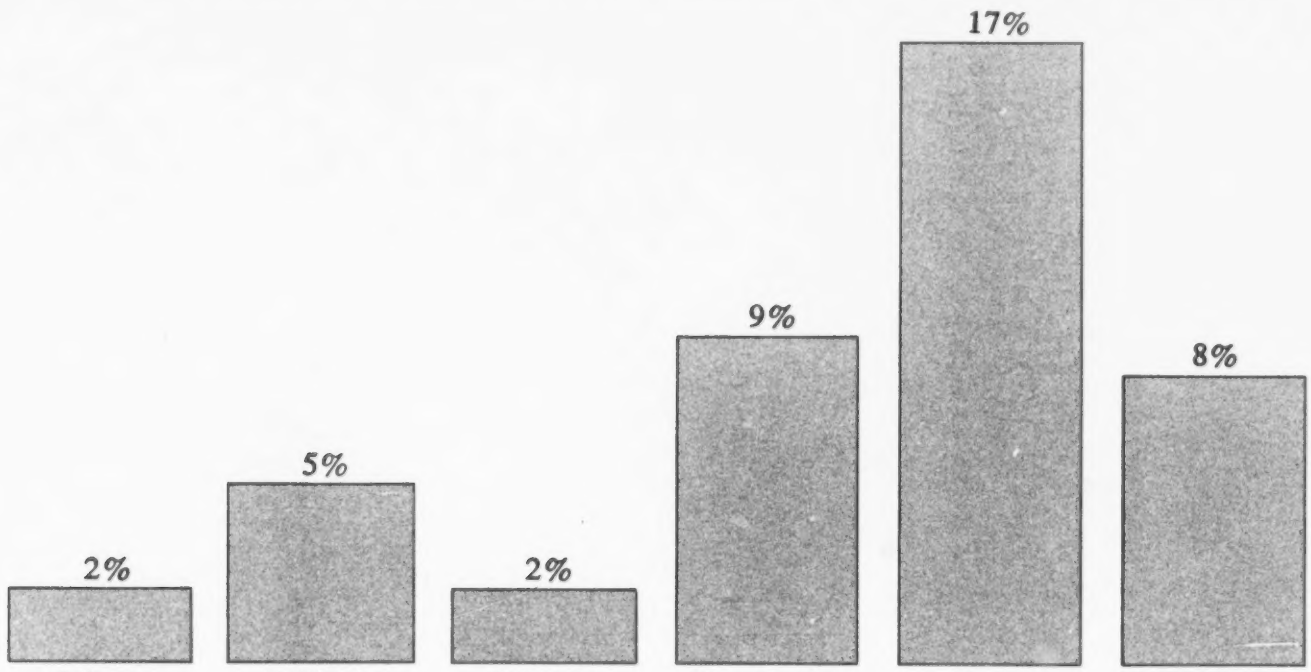
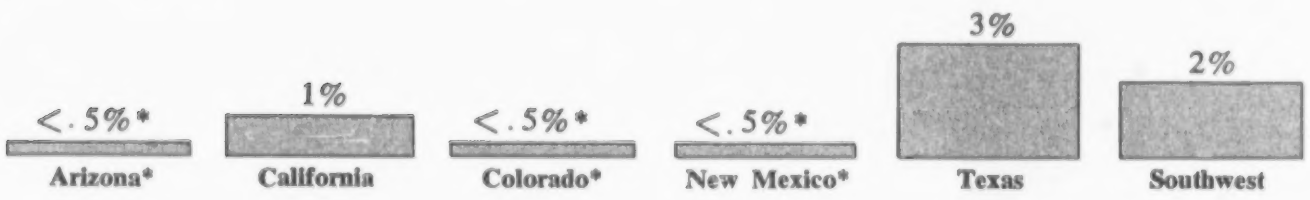
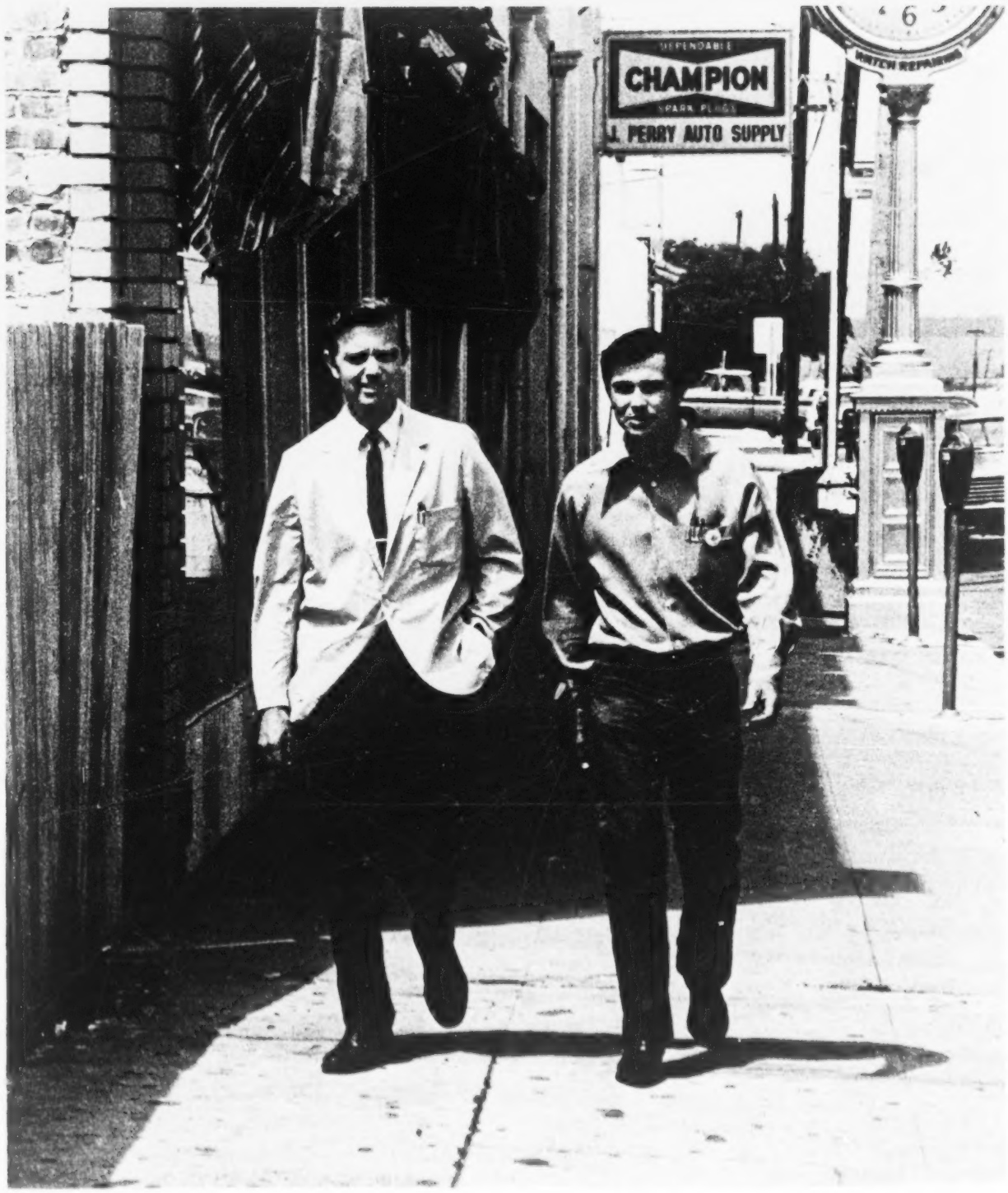


Figure 19D

Percentage of Schools in Districts 10 Percent or More Mexican American Which Conduct PTA Meetings in Both Spanish and English—Secondary



*Although none of the schools surveyed reported that they hold PTA meetings in Spanish as well as English, some of the schools not surveyed in these States may follow this practice.



Community Advisory Boards

The community advisory board is another technique available to educational systems for involving the Mexican American barrios of the Southwest. Normally, such boards are comprised of persons chosen for their ability to reflect and articulate community needs and views. School districts generally establish their own criteria for selecting and approving the members. Usually, persons selected reside and work in the community. These boards are frequently used to assist school officials in such areas as school building programs, new curricula, dress and behavior standards, and joint community-school narcotics education and prevention programs. The Commission, in its Survey, sought to determine the extent to which school districts utilized community advisory boards to deal with problems of Mexican American education.

The results indicate that only one district in four actually has a community advisory board on Mexican American educational affairs. Moreover, those few districts that choose this type of community involvement usually hold infrequent meetings. Less than 7 percent of the advisory boards met more than five times during the school year 1968-69. (See Figure 20).

Figure 20—Utilization by School Districts of Advisory Boards on Mexican American Educational Affairs

Category	School Districts by Percent of Enrollment which is Mexican American				
	10-23%	24-37 %	38-49%	50-100%	Total%
No Advisory Boards	74.9	78.2	66.9	73.9	74.9
Advisory Boards met 1 time	2.4	4.6	1.4	3.1	2.9
Advisory Boards met 2 to 5 times	15.2	13.8	23.0	15.5	15.4
Advisory Boards met 6 to 15 times	6.6	3.3	8.6	6.4	6.0
Advisory Boards met more than 15 times	0.9	—	—	1.0	0.7
TOTAL	100.0	99.9	99.9	99.9	99.9

Of the five States, California has the greatest percentage of districts with community advisory boards on Mexican American Educational Affairs (See Figure 21). However, only 30 percent of such boards in California met more than five tim .s in 1968-69. In New Mexico and Texas, less than one district in 10 has an advisory board of this type.

Figure 21—Percent of Districts by State Which Recognize, Appoint, or Elect Advisory Boards on Mexican American Educational Affairs, by State

Arizona	California	Colorado	New Mexico	Texas	Southwest
29.0	42.2	18.0	8.5	9.3	25.1

Figure 22 shows that the smaller the school district, the less likely there is to be an advisory board.

Figure 22—Districts by Size Which Do Not Have Advisory Boards on Mexican American Educational Affairs

Size of District	Percent Without Boards
3,000 students or more	62.1
1,200-2,999 students	75.2
600-1,199 students	82.6
300-599 students	86.4

The districts with advisory boards were also asked to indicate what recommendations the advisory boards had made to their superintendents. Seven possibilities were listed, with space to indicate any additional recommendations.

1. Change the curriculum to make it more relevant for Mexican Americans (recommended by 45.2 percent of the community boards).
2. Provide in-service teacher training in Mexican American history or culture or in bilingual education or English as a Second Language (recommended by 38.2 percent of the boards).
3. Employ Spanish surnamed teachers or administrators (recommended by 34.2 percent of the boards).

The importance given to these three recommendations demonstrates widespread community concern over the failure of the schools to include adequately the cultural and linguistic backgrounds of the Mexican American child.

In districts which are predominantly Mexican American, the community representatives listed the in-service training of teachers in Mexican American history and culture as their chief concern. Fifty-seven percent of the community advisors in the large [3,000 students or more] districts mentioned relevant curriculum as a major priority.[50]

Almost half of the 155 districts with advisory boards listed recommendations in addition to those specified in the questionnaire. Among those which were mentioned more than a few times were use of teachers' aides, expanded early childhood education, improved school-community relations, and better physical facilities.

Some other specific recommendations were:

- Dissemination of information relative to the availability of scholarships.

[50] See Appendix F for additional information on advisory board recommendations.

- Bilingual summer programs using bilingual high school students as tutors.
- Use of culture-free tests.
- Utilization of community aides in guidance services.
- Development of suitable instruments for accurately measuring the intelligence and learning potential of Mexican Americans.

In view of the value of the recommendations, it is particularly unfortunate that most school districts exclude the resource of barrio participation in determining solutions and in assessing community needs.

Educational Consultants

When school districts lack competence in a field, they seek out consultants. They hire them from private firms and universities to supplement specialists provided by the county and State for specific interest areas. For availability on matters ranging from school finance to sex education, consultants are as close as the telephone on a superintendent's desk.

In their continuing effort to improve the quality of education, school districts spend hundreds of thousands of dollars annually for the services of consultants. In recent years a growing number of specialists in Mexican American education has developed in the Southwest. A district preferring to use a private consultation firm can, generally, take advantage of funds available under the 1965 Elementary and Secondary Education Act to get part or full reimbursement of the expenses.[51]

Yet, in spite of their availability, specialists on Mexican American educational affairs are seldom employed by school districts in Southwest, according to figures gathered in the course of the Commission's study. During the 1968-69 school year, 82 percent of the Southwest's districts with Mexican American enrollment ranging from 10 to 100 percent employed *no* consultants on Mexican American affairs. (See Figure 23). Paradoxically, those districts with less than 50 percent Mexican American student enrollment were more receptive to hiring consultants than were those with majority Mexican American enrollment, where the educational crisis is most severe. Only 5 percent of all districts hired consultants for more than 10 days per year.

Figure 23—Utilization by School Districts of Educational Consultants on Mexican American Affairs by Percent of Enrollment That is Mexican American Southwest 1968-69

Category	Percent Mexican American Enrollment			
	10-23%	24-37%	38-49%	50-100%	TOTAL%
No Consultants Employed	81.9	79.9	75.6	85.2	81.8
Consultants employed 1 day	5.0	3.0	4.5	3.0	3.8
Consultants employed 2-4 days	5.6	7.2	8.3	3.9	5.9
Consultants employed 5-7 days	1.3	2.8	1.1	1.2	1.6
Consultants employed 8-10 days	1.8	2.8	4.9	1.2	2.2
Consultants employed more than 10 days	4.3	4.3	5.6	5.4	4.7
TOTAL	99.9*	100.0	100.0	99.9*	100.0

*Sum of column does not add to 100 percent due to computer rounding.

[51] See Section 116.7c of Elementary and Secondary Education Act Regulations, Title I.

Large districts relied on consultants to a much greater degree than smaller ones. Thirty-five percent of those districts with 3,000 or more students employed consultants while less than 5 percent of those districts with fewer than 600 pupils employed them. (See Figure 24).

Figure 24—Utilization by School Districts of Educational Consultants on Mexican American Affairs by Size of District Enrollment Southwest 1968-69

Category	Size of School District Enrollment				
	more than 3,000	1,200-2,999	600-1,199	300-599	
No Consultants Employed	65.5	83.6	90.7	95.3	81.8
Consultants employed 1 day	5.8	5.0	1.2	2.3	3.8
Consultants employed 2-4 days	9.7	5.0	4.7	2.3	5.9
Consultants employed 5-7 days	3.5	0.7	1.2	—	1.6
Consultants employed 8-10 days	4.7	2.9	—	—	2.2
Consultants employed more than 10 days	10.9	2.9	2.3	—	4.7
TOTAL	100.1*	100.1*	100.1*	99.9*	100.0

*Sum of column does not add to 100 percent due to computer rounding.

Figure 25 presents by State essentially the same conclusion: that school districts are not availing themselves of experts who can help them determine and resolve their serious educational failiures in educating Mexican Americans. California has the best record with 29 percent of its districts employing consultants on Mexican American educational affairs.

Figure 25—School Districts Not Employing Educational Consultants on Mexican American Affairs by State, School Year 1968-69.

State	Percent of all school districts which employed no consultants	Percent of school districts with enrollments 50 percent or more Mexican American which employ no consultants
Arizona	90.0	74.4
California	71.2	81.4
Colorado	87.4	62.5
New Mexico	89.3	96.8
Texas	89.3	86.5

The spotty use of experts on Mexican American educational affairs reveals that educators are practicing still another form of exclusion of the barrio community.

SUMMARY

The basic finding of the Commission's study is that school systems of the Southwest have not recognized the rich culture and tradition of the Mexican American students and have not adopted policies and programs which would enable those students to participate fully in the benefits of the educational process. Instead, the schools use a variety of exclusionary practices which deny the Chicano student the use of his language, a pride in his heritage, and the support of his community.

The suppression of the Spanish language is the most overt area of cultural exclusion. Because the use of a language other than English has been cited as an educational handicap as well as a deterrent to Americanization, schools have resorted to strict repressive measures. In spite of the fact that nearly 50 percent of the Mexican American first graders do not speak English as well as the average Anglo first grader, they are often compelled to learn a new language and course material in that language simultaneously during the first years of their educational experience.

One-third of the schools surveyed by the Commission admitted to discouraging Spanish in the classroom. Methods of enforcing the "No Spanish Rule" vary from simple discouragement of Spanish to actual discipline of the offenders.

There are various programs which may be used by schools as a means of meeting the English language difficulty encountered so frequently among Mexican Americans. Each reflects a distinct attitude and methodology for remedying English language deficiencies. The three most important programs are Bilingual Education, English as a Second Language, and Remedial Reading.

Bilingual Education is the only program which requires a modification of the traditional school curriculum. It is also the program which best utilizes both the bilingual and bicultural aspects of the children involved. In Fiscal Year 1969, HEW committed $7.5 million for 76 bilingual programs, 51 of which were for the Spanish speaking in the Southwest. Bilingual Education holds great promise for both the Mexican American and Anglo students, yet it is the most infrequently used. Only 6.5 percent of the Southwest's schools have bilingual programs, and these are reaching only 2.7 percent of the Mexican American student population—only one student out of nearly 40.

Programs in English as a Second Language (ESL) are much more limited in scope than Bilingual Education and also less effective for Mexican Americans. The sole objective of ESL is to make non-English speakers more competent in English. No effort is made to present related cultural material.

Unlike Bilingual Education, ESL requires no modification of the school curriculum. An estimated 5.5 percent of the Mexican American students in the Southwest receive some kind of instruction in English as a Second Language. This is about twice as many as are receiving Bilingual Education.

Of the three program discussed, Remedial Reading is the most limited in scope. It requires no change in the school curriculum and the least training of teachers. Using a strictly monolingual approach, Remedial Reading has been much more accepted in practice than either Bilingual Education or ESL. This program addresses itself to just one aspect of the language problem—poor reading achievement. By the 12th grade, 63 percent of all Chicano students read at least 6 months below grade level. More than half of the Southwest's schools offer Remedial Reading courses, yet only 10.7 percent of the region's Mexican American students are actually enrolled in these classes.

A close examination of the nature and use of these three programs reveals several interesting facts. The frequency of use of each program is inversely proportionate to the degree of curriculum change involved and to the extent of teacher training required.

ESL and Remedial Reading do not significantly modify the school; they are intended to adjust the child to the expectations of the school. These programs focus on academic achievement which is not the problem itself, but rather a symptom of the broader problem of language exclusion. Bilingual Education has the greatest potential for Anglo and non-English speaking students as well,

but it requires a great deal of curricular change and, consequently, is used only infrequently.

Furthermore, none of these programs reaches a substantial number of Mexican American students. Even Remedial Reading, which is offered in the largest number of schools, is reaching only one of five Chicano students who, by school measurements, need it.

Suppression of use of the Spanish language in schools is the area of cultural exclusion most easily identified and documented. A second exclusionary practice is the omission of Mexican American history, heritage, and folklore from the classrooms of the Southwest. Exclusion of heritage is generally manifested in two ways—through the textbooks and through the omission of course material and school activities relevant to Mexican Americans. The Study found that the curricula in most schools fail to inform either Anglo or Mexican American students of the substantial contributions of the Indo-Hispanic culture to the historical development of the Southwest. Only 4.3 percent of the elementary and 7.3 percent of the secondary schools surveyed by the Commission include a course in Mexican American history in their curricula.

In addition to course content, exclusion of heritage is also manifested in the cultural selectivity of schools. School and classroom activities, to the extent that they deal with Mexican American culture, tend to stress only the superficial and exotic elements—the "fantasy heritage" of the Southwest. This results in the reinforcement of existing stereotypes and denies the Mexican American student a full awareness and pride in his cultural heritage.

The exclusion of the Mexican American community is the third area of cultural exclusion examined in the Commission's Study. To determine the extent of community involvement or exclusion, the study examined four specific areas: contacts with parents, community advisory boards, community relations specialists, and consultants on Mexican American education.

Teachers and administrators utilize notices sent home and PTA meetings most frequently as methods of communicating with parents. While an estimated 4,000,000 persons in the Southwest identify Spanish as their mother tongue, only 25 percent of the elementary and 11 percent of the secondary schools send notices in Spanish to Spanish speaking parents. This automatically excludes a large segment of the population and has "the effect of denying equality of educational opportunity to Spanish surnamed pupils," according to a Health, Education, and Welfare memorandum. The study also revealed that 91.7 percent of the Southwest's elementary schools and 98.5 percent of its secondary schools do not use Spanish as well as English in conducting their PTA meetings.

Community advisory boards are an untapped resource which could serve to activate community needs and opinions. Only one district in four actually has a community advisory board on Mexican American educational affairs. Furthermore, of the advisory boards which are recognized by school districts, fewer than one in four met more than five times during the 1968-69 school year. In districts which are predominantly Mexican American, the community representatives listed in-service training of teachers in Mexican American culture and history as their primary concern.

Contacts with parents and community advisory boards are methods by which the schools can communicate directly with the Mexican American parents and community. When these methods prove unsuccessful in the establishment of free communication, a community relations specialist may be called in to serve as a link between the people and the power structure. Schools often rely heavily on this individual to bridge the communication gap with the linguistically and culturally different community. The study demonstrated that 84 percent of the surveyed districts did not u community relations specialists at all. Thus, in spite of the need, most school systems have not established this type of liaison with the barrio.

The data concerning the use of Mexican American educational consultants are very similar; school districts are not availing themselves of experts who can help them determine and resolve their serious failures in educating Mexican Americans.

Cultural exclusion is a reality in public schools of the Southwest. This report has documented exclusionary practices in the vital areas of language, heritage, and community participation. Until practices and policies conducive to full participation of Mexican Americans in the educational process are adopted, equal opportunity in education is likely to remain more myth than reality for Mexican American students.

Appendix A

STAFF DIRECTOR

UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20425

Dear Sir:

In accordance with its responsibilities as a factfinding agency in the field of civil rights, the United States Commission on Civil Rights is undertaking a study of the educational status of Mexican American youths in a random sampling of school districts in Arizona, California, Colorado, New Mexico, and Texas. In the course of this study, about 500 school districts and some schools within those districts are being surveyed. The study will provide a measure of the nature and extent of educational opportunities which Mexican American youths are receiving in public schools of the Southwest and will furnish, for the first time, extensive information on Mexican American education.

The attached questionnaires call for data which are or can be compiled in your central district office and school plants. If your records or those of your principals do not contain all the information requested, however, you may obtain figures from other available sources.

Please have the principals of the schools designated on the Principal Information Forms complete the appropriate questionnaire and return it to your office. In addition, we ask that you complete the Superintendent Information Form and forward it at the same time with the Principal Information Forms using the enclosed official envelope which requires no postage. Extra copies are enclosed for each respondent to use in completing the questionnaires and to keep for his records. All questionnaires should be returned by May 9, 1969.

It must be emphasized that criteria used in drawing a sample of schools and school districts were based on geographic representation and enrollment characteristics. In no case were complaints of any kind about discrimination a factor in selecting either schools or school districts.

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If you have any questions, call collect or write to Henry M. Ramirez, Chief, Mexican American Studies Division, U.S. Commission on Civil Rights, Washington, D. C. 20425 (telephone: Area Code 202, 382-8941). Please indicate you are calling in reference to the questionnaire.

Thank you for your assistance in this most important study.

Sincerely yours,

Howard A. Glickstein
Acting Staff Director

Enclosures

MEXICAN AMERICAN EDUCATION STUDY

Superintendent Information Form

General Instructions

A. The person completing this questionnaire should be the superintendent or his official delegate.

B. Answers to each question should be given as of March 31, 1969 unless some other time period is requested. If information is not available for March 31, 1969, give it for the time closest to, or encompassing, that date. Pupil membership and personnel data may be given on this questionnaire as they were reported on the Title VI Compliance Forms (Forms OS/CR 101 and 102, Fall 1968 Elementary and Secondary School Survey, required under Title VI of the Civil Rights Act of 1964, due October 15, 1968). If a date other than March 31, 1969 or a time period other than that requested is used, please indicate which date or time period is used in the space provided or in the left hand margin next to the question.

C. Use additional pages where necessary.

D. **INSTRUCTIONS FOR DETERMINING ETHNIC AND RACIAL GROUPINGS:** *Wherever ethnic and racial data are requested, it is suggested that visual means be used to make such identification. Individuals should not be questioned or singled out in any way about their racial or ethnic lineage. For purposes of this questionnaire, please use the following classifications:*

i. **SPANISH SURNAMED AMERICAN:** *Persons considered in school or community to be of Mexican, Central American, Cuban, Puerto Rican, Latin American, or other Spanish-speaking origin. This group is often referred to as Mexican American, Spanish American, or Latin American; local usage varies greatly. In this questionnaire, the terms "Mexican American" and "Spanish Surnamed American" are used interchangeably.*

ii. **NEGRO:** *Persons considered in school or community to be of Negroid or black African origin.*

iii. **ANGLO:** *White persons not usually considered in school or community to be members of any of the above ethnic or racial categories.*

iv. **OTHER:** *Persons considered as "non-Anglo" and who are not classifiable as Spanish Surnamed American or Negro. Include as "Other" such persons as Orientals or American Indians.*

E. If a question is not applicable, if information is not available, or if you must estimate, please use the common, standard abbreviations printed on the bottom of each page.

OFFICIAL DISTRICT NAME _____

DISTRICT MAILING ADDRESS _____
Street Address or P.O. Box Number

_____
Town *County* *State* *Zip Code*

TELEPHONE NUMBER (___) _____
Area Code *Number*

NAME OF SUPERINTENDENT OF SCHOOLS _____

SIGNATURE _____ **DATE** _____

NAME AND TITLE OF PERSON RESPONSIBLE FOR FILLING OUT THIS QUESTIONNAIRE IF OTHER THAN SUPERINTENDENT _____

SIGNATURE _____ **DATE** _____

LEGEND: *Unknown*—**UNK.**; *Estimate*—**EST.**; *Not Applicable*—**NA.**; *Not Available*—**?**; *None*—**0**

Budget Bureau No. 115-S69001; Approval Expires February 28, 1970

MEXICAN AMERICAN EDUCATION STUDY

Superintendent Information Form

1. *List all the schools in this district. For each school, give the average daily attendance for the month of October 1968. Round answers to the nearest whole number.* **Time period if other than October 1968** _____
Use additional pages where necessary.

School Name	For USCCR use only	Average Daily Attendance*

Questions 2 and 3 instructions: *If there is only one secondary school in this district, do not answer questions 2 and 3. Proceed to question 4.*

2. A. Name the secondary school in this district which had the highest percentage of its 1968 graduates enter two or four year colleges._____ FOR USCCR USE ONLY

   B. What percent of that school's 1968 graduates entered two or four year colleges?_____%

   C. What percent of that school's 1968 Spanish Surnamed graduates entered two or four year colleges?_____%

3. Name the secondary school in this district which has had the highest dropout rate so far this year._____ FOR USCCR USE ONLY

Question 4 instructions: *If there is only one elementary school in this district, do not answer question 4. Proceed to question 5.*

4. Name the elementary school in this district whose pupils had the highest average reading achievement test scores in the 1967-1968 school year._____ FOR USCCR USE ONLY

5. *If since June 1968 this district has conducted, sponsored or paid for any in-service teacher training for any course in column (i), enter the appropriate data about that training in columns (ii) through (v).* If this district has not conducted, sponsored or paid for any such training since June 1968, check here ☐ and proceed to Question 6.

(i) Course	(ii) Total number of hours this course met, per teacher – summer 1968	(iii) Total number of hours this course met, per teacher – academic year 1968-1969	(iv) Number of teachers in in-service training in summer 1968	(v) Number of teachers in in-service training in academic year 1968-1969
A. English as a second language for the Spanish speaking (instruction in English for those who know little or no English)				
B. Bilingual education (instruction in both Spanish and English so that the mother tongue is strengthened concurrent with the pupil learning a second language				
C. Mexican or Spanish history or culture				
D. Mexican American, Spanish American, or Hispanic history or culture				
E. Remedial reading				
F. Other subjects relative to Mexican Americans: *(Specify.)*_____				

LEGEND: *Unknown*–UNK.; *Estimate*–EST.; *Not Applicable*–NA.; *Not Available*–?; *None*–0

6. *List the professional personnel for this district as of March 31, 1969, by ethnic and by educational background. Give data about these individuals in as many (vertical) columns as requested. Do not assign any individual to more than one (horizontal) row. Although it is recognized that a person's activities may fall under more than one category, each person should be assigned in accordance with his major activity. Exclude personnel assigned to schools.*

		ETHNIC GROUP				EDUCATION		
		(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
		Number Spanish Surnamed American	Number Negro	Number Anglo	Number Other	Number with Bachelor's Degree only	Number with Master's Degree, but not Doctor's Degree	Number with Doctor's Degree
A.	Superintendent of schools (or acting)							
B.	Associate Superintendents of schools							
C.	Assistant superintendents of schools							
D.	Psychologists or psychometrists							
E.	Social workers							
F.	Attendance officers							
G.	Federal programs directors							
H.	Curriculum directors							
I.	Community relations specialists							
J.	All others not assigned to schools							

7. *Using one line for each Board of Trustees member, list the principal occupation of each by code number. Refer to the list below for code. If you cannot ascertain which code is appropriate for a given Board Member, specify his occupation. Indicate ethnic group, the number of years each has served on the Board, and years of education.*

Occupation if code number is not known	(i) Occupation code number	(ii) Spanish Surnamed American	(iii) Negro	(iv) Anglo	(v) Other	(vi) Number of years served on Board	(vii) Number of years of school completed or highest degree attained
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							

1. *Business owners, officials and managers*
2. *Professional and technical services*
3. *Farmers*
4. *Sales and clerical*
5. *Skilled craftsmen, other skilled workers and foremen*
6. *Semi-skilled operators and unskilled workers*
7. *Service workers*
8. *Housewives*
9. *Retired*

8. **Has this district employed consultants on Mexican American educational affairs or problems this school year?** *(Check one only.)*

A. ☐ No
B. ☐ Yes, for a total of one day only
C. ☐ Yes, for a total of two to four days
D. ☐ Yes, for a total of five to seven days
E. ☐ Yes, for a total of eight to ten days
F. ☐ Yes, for a total of more than ten days

LEGEND: *Unknown*—UNK.; *Estimate*—EST.; *Not Applicable*—NA.; *Not Available* —?; *None*—0

9. **Has this district appointed, elected or recognized a district-wide volunteer advisory board (or committee) on Mexican American educational affairs or problems, which has held meetings this school year?** *(Check one only.)*

A. ☐ No
B. ☐ Yes, it has met only once this year.
C. ☐ Yes, it has met for a total of two to five times this year.
D. ☐ Yes, it has met for a total of six to fifteen times this year.
E. ☐ Yes, it has met for a total of more than fifteen times this year.

10. **If you answered "Yes" to question 9, what actions, programs or policies has the committee recommended during the 1968-1969 school year?** *(Check all which apply.)*

A. ☐ Ethnic balance in schools
B. ☐ In-service teacher training in Mexican American history or culture, or in bilingual education, or in English as a second language
C. ☐ Employment of Spanish Surnamed teachers or administrators
D. ☐ Pupil exchange programs with other districts or schools
E. ☐ Expanded PTA activities relative to Mexican Americans
F. ☐ Changes in curriculum to make it more relevant for Mexican Americans
G. ☐ Bilingual-bicultural organization in a school or the school system
H. ☐ Other *(Specify.)*_____

11. **Does this district have a written school board policy discouraging the use of Spanish by Mexican American pupils:**

A. **On the school grounds? Yes ☐1 No ☐2**

B. **In the classroom (except Spanish classes)? Yes ☐1 No ☐2**

If you answered "Yes" to A or B above (question 11), please attach a copy of that policy and give us the date it was made effective.

FOR USCCR USE ONLY

12. **As of March 31, 1969, what was the total school district membership, by ethnic group, in the following grades:**

	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other	(v) Total Number
A. First Grade					
B. Fourth Grade					
C. Eighth Grade					
D. Twelfth Grade					

13. *Use the following space and additional pages, if necessary, to give us further comments relative to this questionnaire.*

LEGEND: *Unknown*—UNK.; *Estimate*—EST.; *Not Applicable*—NA.; *Not Available*—?; *None*—0

Appendix B

UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20425

STAFF DIRECTOR

Dear Sir:

In accordance with its responsibilities as a factfinding agency in the field of civil rights, the United States Commission on Civil Rights is undertaking a study of the educational status of Mexican American youths in a random sampling of school districts in Arizona, California, Colorado, New Mexico, and Texas. In the course of this study, about 500 school districts and some schools within those districts are being surveyed. The study will provide a measure of the nature and extent of educational opportunities which Mexican American youths are receiving in public schools of the Southwest and will furnish, for the first time, extensive information on Mexican American education.

The attached questionnaires call for data which are or can be compiled in your central district office and school plants. If your records or those of your principals do not contain all the information requested, however, you may obtain figures from other available sources.

Please have the principals of the schools designated on the Principal Information Forms complete the appropriate questionnaire and return it to your office. In addition, we ask that you complete the Superintendent Information Form and forward it at the same time with the Principal Information Forms using the enclosed official envelope which requires no postage. Extra copies are enclosed for each respondent to use in completing the questionnaires and to keep for his records. All questionnaires should be returned by May 9, 1969.

It must be emphasized that criteria used in drawing a sample of schools and school districts were based on geographic representation and enrollment characteristics. In no case were complaints of any kind about discrimination a factor in selecting either schools or school districts.

If you have any questions, call collect or write to Henry M. Ramirez, Chief, Mexican American Studies Division, U.S. Commission on Civil Rights, Washington, D. C. 20425 (telephone: Area Code 202, 382-8941). Please indicate you are calling in reference to the questionnaire.

Thank you for your assistance in this most important study.

Sincerely yours,

Howard A. Glickstein

Howard A. Glickstein
Acting Staff Director

Enclosures

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MEXICAN AMERICAN EDUCATION STUDY

School Principal Information Form

General Instructions:

A. The person completing this questionnaire should be the school principal or his official delegate.

B. Answers to each question should be given as of March 31, 1969 unless some other time period is requested. If information is not available for March 31, 1969, give it for the time closest to, or encompassing, that date. Pupil membership and personnel data may be given on this questionnaire as they were reported on the Title VI Compliance Forms (Forms OS/CR 101 and 102, Fall 1968 Elementary and Secondary School Survey, required under Title VI of the Civil Rights Act of 1964, due October 15, 1968). If a date other than March 31, 1969 or a time period other than that requested is used, please indicate which date or time period is used in the space provided or in the left hand margin next to the question.

C. Use additional pages where necessary.

D. **Instructions for determining ethnic and racial groupings:** *Wherever ethnic and racial data is requested, it is suggested that visual means be used to make such identification. Individuals should not be questioned or singled out in any way about their racial or ethnic lineage. For purposes of this questionnaire, please use the following classifications:*

i. **SPANISH SURNAMED AMERICAN:** *Persons considered in school or community to be of Mexican, Central American, Cuban, Puerto Rican, Latin American or Spanish-speaking origin. This group is often referred to as Mexican, Spanish American, or Latin American; local usage varies greatly. For the purposes in this questionnaire the terms "Mexican American" and "Spanish Surnamed American" are used interchangeably.*

ii. **NEGRO:** *Persons considered in school or community to be of Negroid or black African origin.*

iii. **ANGLO:** *White persons not usually considered in school or community to be members of any of the above ethnic or racial categories.*

iv. **OTHER:** *Persons considered "non-Anglo" and who are not classifiable as Spanish Surnamed American or Negro. Include as "Other" such persons as Orientals or American Indians.*

E. If a question is not applicable, if information is not available, or if you must estimate, please use the common, standard abbreviations printed on the bottom of each page.

F. After completing all items in this questionnaire, please return the questionnaire in accordance with your superintendent's instructions.

SCHOOL NAME _____

MAILING ADDRESS _____
Street Address or P.O. Box No.

_____
Town *County* *State* *Zip Code*

TELEPHONE NUMBER _____
Area Code *Number*

NAME OF SCHOOL DISTRICT _____

NAME OF PRINCIPAL _____

SIGNATURE _____ **DATE** _____

NAME AND TITLE OF PERSON RESPONSIBLE FOR FILLING OUT QUESTIONNAIRE IF OTHER THAN THE PRINCIPAL _____

SIGNATURE _____ **DATE** _____

LEGEND: *Unknown*—**UNK.**; *Estimate*—**EST.**; *Not Applicable*—**NA.**; *Not Available*—**?**; *None*—**0**

Budget Bureau No. 115-S69001; Approval Expires February 28, 1970.

MEXICAN AMERICAN EDUCATION STUDY

School Principal Information Form

1. **If this school has received ESEA, Title I funds during the current (1968-1969) school year, check here.** ☐

2. **Is this school:** *(Check no more than one.)*

   A. ☐ A social adjustment school primarily for children who have disciplinary problems?
   B. ☐ Primarily for the physically handicapped?
   C. ☐ Primarily for the mentally retarded?
   D. ☐ Primarily for the emotionally disturbed?
   E. ☐ *(California only).* A continuation school?
   F. ☐ Organized primarily as some combination of A, B, C, D, or E? *(Specify.)* _____

   If you checked any of the above (A, B, C, D, E, or F in question 2), do not answer any further questions; return this questionnaire in accordance with your superintendent's instructions.

3. **What was the average daily attendance for this school in the month of October 1968 or, if not available for that month, for the time period nearest to or including October 1968?** *(Round answer to nearest whole number.)* _____
   Time period if not October 1968 _____

   Question 3 instructions: Average Daily Attendance is the aggregate of the attendance for each of the days during the stated reporting period divided by the number of days school was actually in session during that period. Only days on which pupils are under the guidance and direction of teachers should be considered as days in session.

4. **Which best describes the locality (incorporated or unincorporated) of this school?** *(Check one only.)*

   A. ☐ Under 5,000 inhabitants
   B. ☐ 5,000 to 49,999 inhabitants
   C. ☐ 50,000 to 250,000 inhabitants
   D. ☐ Over 250,000 inhabitants

5. **Which best describes the attendance area of this school (the area from which the majority of pupils come)?** *(Check one only.)*

   A. ☐ A rural area
   B. ☐ A suburb
   C. ☐ A town or a city

6. **How many square feet of outdoor play area (including athletic area) does this school have?** *(Round answer to the nearest thousand square feet.)* _____

7. **Is (are) any grade(s) in this school (excluding kindergarten) on double sessions?** Yes ☐ *1* No ☐ *2*

LEGEND: *Unknown*—**UNK.**; *Estimate*—**EST.**; *Not Applicable*—**NA.**; *Not Available*—**?**; *None*—**0**

463-158 O - 72 - 5

8. *List full-time staff by ethnic group and professional background as of March 31, 1969 unless data are unavailable for that date. In that case follow General Instructions, item B, page 2.*

Reporting date if not March 31, 1969_____

DO NOT assign any individual to more than one horizontal row; assign each in accordance with his major activity. Assign individuals to as many columns as are applicable.

NOTE: Columns (ii) through (v) should total column (i).

		Ethnic Group					Education			Experience	
		(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)
		Total Number	Number Spanish Surnamed American	Number Negro	Number Anglo	Number Other	Number with Bachelor's degree only	Number with Master's but not Doctor's degree	Number with Doctor's degree	Number with under five years experience as an educator	Number with more than fifteen years experience as an educator
A.	**Full-time professional nonteaching staff:**										
	(1) Principal										
	(2) Vice (assistant) principals										
	(3) Counselors										
	(4) Librarians										
	(5) Other full-time professional nonteaching staff										
B.	**Full-time professional instructional staff (teachers)**										
C.	**Secretaries, stenographers, bookkeepers and other clerical staff**										
D.	**Custodians, gardeners, and other maintenance staff**										
E.	**Full-time teacher aids (in classrooms)**										

9. **How many people are employed part-time in the following capacities in this school?**	(i) Number of people	(ii) Full-time equivalence
A. Professional nonteaching staff		
B. Professional instructional staff (teachers)		

Question 9 instructions: Full-time equivalence is the amount of employed time required in a part-time position expressed in proportion to that required in a full-time position, with "1" representing one full-time position. (Round F.T.E. answers to the nearest whole number.)

10. **What is the principal's annual salary?** *(Round answer to the nearest hundred dollars.)* $_____.

11. **For how many years has the present principal been principal of this school?** _____

12. **Indicate for approximately how many months the principal is regularly at work in the school plant.** *(Check the alternative which is most accurate.)*

A. ☐ Eleven months or more, full-time
B. ☐ Ten months, full-time
C. ☐ Nine months, full-time
D. ☐ Eight months or fewer, full-time
E. ☐ Part-time *(Explain.)*_____

LEGEND: *Unknown*—**UNK.**; *Estimate*—**EST.**; *Not Applicable*—**NA.**; *Not Available*—**?**; *None*—**0**

13. What number of the full-time professional instructional staff (teachers) in this school earn the following salaries? *Do not include extra pay assignments.)*

A. Less than $4,000 for school year_____
B. $4,000 to $5,999 for school year_____
C. $6,000 to $7,999 for school year_____
D. $8,000 to $9,999 for school year_____
E. $10,000 to $11,999 for school year_____
F. $12,000 or above for school year_____

Question 13 instructions: The total of lines A through F should equal the number of full-time teachers in this school. (See question 8, line B, column (i).

14. *Give the number of pupils in membership in the following classes and grades as of March 31, 1969 by ethnic group. If data are unavailable for this date, refer to General Instructions, item B, page 2. Do not include kindergarten, prekindergarten or Head Start as the lowest grade. Start with grade 1.* Reporting date if not March 31, 1969_____	(i) Total Number	(ii) Number Spanish Surnamed American	(iii) Number Negro	(iv) Number Anglo	(v) Number Other
A. Lowest grade in this school *(specify.)*					
B. Highest grade in this school *(specify.)*					
C. Classes for the mentally retarded					

15. *If this school housed grade 12, in the 1967-1968 school year, answer A, B, C, and D of this question. Otherwise, proceed to question 16.*	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other
A. How many pupils were graduated from this school from July 1, 1967 to June 30, 1968?				
B. Of "A" above, how many entered a two or four year college by March 31, 1969?				
C. Of "A" above, how many entered some post high school educational program other than a two or four year college by March 31, 1969? *(For example, beauty school, vocational school, or business school. Do not include military service.)*				
D. Of "A" above, how many entered military service prior to March 31, 1969?				

LEGEND: *Unknown*—UNK.; *Estimate*—EST.; *Not Applicable*—NA.; *Not Available*—?; *None*—0

16. *For facilities listed below, give the information requested in columns (i) through (v). Do not include any given facility on more than one horizontal line. Count facilities only by their most frequent designation. (e.g., a room which is used predominantly as a science laboratory should not be counted as a classroom.)*	(i) Total Number	(ii) Total pupil capacity (legal capacity)*	(iii) Number in need of replacement	(iv) Number adequately equipped for your program	(v) Year the greatest number were built or acquired
A. Cafetoriums (multi-purpose rooms designed for use as a combination cafeteria, auditorium and/or gymnasium)					
B. Cafeterias					
C. Auditoriums					
D. Gymnasiums					
E. Central libraries					
F. Nurses offices (infirmaries)**					
G. Electronic language laboratories					
H. Science laboratories					
I. Shop rooms					
J. Domestic science rooms					
K. Portable classrooms *(Do not include any rooms counted in A through J.)*					
L. Regular classrooms *(Do not include any rooms counted in A through K.)*					
M. Swimming pools					
N. Books in library *(Round answer to nearest hundred. Do not count periodicals.)*					

*(ii) If legal capacity is not known, report the number of pupils who can be seated or can comfortably use facility.

** Pupil capacity means number of beds.

17. *Answer "Yes" or "No" to line A for each column. If you answer "Yes" to "A" for any column, please complete the questions in the rest of that column.*	(i) English as a second language for the Spanish-speaking (instruction in English for those who know little or no English)	(ii) Bilingual education (instruction in both Spanish and English so that the mother tongue is strengthened concurrent with the pupil learning a second language)	(iii) Mexican American, Spanish American or Hispanic history or culture	(iv) Mexican and/or Spanish history and culture	(v) Remedial reading
A. Does this school offer this subject or course?					
B. For how many years has this subject or course been taught at this school?					
C. How many pupils are taking this subject or are enrolled in this course this year? *(Include pupils of all ethnic backgrounds.)*					
D. How many Spanish Surnamed pupils are taking this subject or are enrolled in this course this year?					
E. How many clock hours a week does this subject or course meet, per pupil, in the following grades: Kindergarten and/or Prekindergarten?					
1st grade?					
2nd grade?					
3rd grade?					
4th grade?					
5th grade?					

LEGEND: *Unknown*—UNK.; *Estimate*—EST.; *Not Applicable*—NA.; *Not Available*—?; *None*—0

17. (continued)	(i) English as a second language for the Spanish-speaking (instruction in English for those who know little or no English)	(ii) Bilingual education (instruction in both Spanish and English so that the mother tongue is strengthened concurrent with the pupil learning a second language)	(iii) Mexican American, Spanish American or Hispanic history or culture	(iv) Mexican and/or Spanish history and culture	(v) Remedial reading
6th grade?					
7th grade?					
8th grade?					
9th grade?					
10th grade?					
11th grade?					
12th grade?					
F. How many of the teachers who teach this subject or or course have had two or more courses (6 semester hours or more) in applicable subject matter?					
G. How many teachers teach this subject or course?					

18. *(Elementary schools only)* As of March 31, 1969 by ethnic group, how many pupils were:	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other
A. Repeating the first grade this year?				
B. In the first grade, but two years or more overage for the first grade?				

19. Does this school discourage Mexican American pupils from speaking Spanish:

A. On the school grounds? Yes ☐1 No ☐2
B. In the classroom (except Spanish class or Spanish Club)? Yes ☐1 No ☐2

20. If you checked "Yes" to A or B above (question 19) in what way does this school discourage the speaking of Spanish? *(Check all which apply.)*

A. ☐ Requiring staff to correct those who speak Spanish
B. ☐ Suggesting that staff correct those who speak Spanish
C. ☐ Encouraging other pupils to correct those who speak Spanish
D. ☐ Providing pupil monitors to correct those who speak Spanish
E. ☐ Disciplining persistent speakers of Spanish
F. ☐ Utilizing other methods *(Specify.)* _____

21. Is there currently a written policy for this school regarding the use of Spanish?
Yes ☐1 No ☐2 *If yes, please attach a copy of that policy and give us the date it became effective.* _____

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LEGEND: *Unknown*—UNK.; *Estimate*—EST.; *Not Applicable*—NA.; *Not Available*—?; *None*—0

22. **If you checked "No" to A or B in question 19, does this school encourage the speaking of Spanish (outside Spanish class or Spanish club)? Yes ☐1 No ☐2**

23. **Does this school provide for:** *(Check all which apply.)*

A. ☐ School wide celebration of 16 de Septiembre?
B. ☐ Classroom celebration of 16 de Septiembre?
C. ☐ A unit or more on Mexican cooking in home economics classes?
D. ☐ Special units on Mexican American, Spanish American or Hispanic history in social studies programs?
E. ☐ Special assemblies dealing with Mexican or Spanish culture?
F. ☐ Other activities relative to Mexican Americans? *(Specify.)*_____

24. **The following is a list of possible reasons for suspension:**

A. Violation of dress code or grooming code
B. Use of foul language
C. Disrespect for teachers
D. Destruction of school property
E. Truancy
F. Speaking Spanish
G. Smoking
H. Drug use
I. Tardiness
J. Consumption of alcohol
K. Fighting
L. Other *(Specify.)*_____

For each ethnic group, list the letters of the five most common reasons for suspension in order of their importance.

Spanish Surnamed American	Negro	Anglo	Other
1.____	1.____	1.____	1.____
2.____	2.____	2.____	2.____
3.____	3.____	3.____	3.____
4.____	4.____	4.____	4.____
5.____	5.____	5.____	5.____

25. *(Elementary schools only)* **In this school, what number of Spanish Surnamed first graders speak English as well as the average Anglo first grader?**_____

26. *(Secondary schools only)* List the number of pupils in the following offices and activities by ethnic group as of March 31, 1969, unless otherwise specified.	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other
A. President of student body (highest elected or appointed student office)				
B. Vice-president of student body (second highest elected or appointed student office)				
C. Presidents of freshman, sophomore, junior, and senior classes				
D. Editorial staff of school paper				
E. Homecoming queen (or football queen), 1968.				
F. Homecoming queen's (or football queen's) court, 1968				
G. Cheer leaders (or song leaders)				

27. **At which of the following times does this school normally hold PTA meetings?** *(Check one only.)*

A. ☐ Morning B. ☐ Afternoon C. ☐ Evening

LEGEND: *Unknown*—UNK.; *Estimate*—EST.; *Not Applicable*—NA.; *Not Available*—?; *None*—0

28. **How often does the PTA meet?** *(Check the one which most accurately applies.)*

A. ☐ Weekly B. ☐ Monthly C. ☐ Quarterly D. ☐ Annually

29. **How many Spanish Surnamed adults attended the last regular PTA meeting (not a special program)?**_____

30. **How many adults (include all ethnic groups) attended the last regular PTA meeting (not a special program)?**_____

31. **In what language are notices to parents written?** *(Check one only.)*

A. ☐ English
B. ☐ Spanish
C. ☐ English and Spanish
D. ☐ Other *(Explain.)*_____

32. **In what language are PTA meetings of this school conducted?** *(Check one only.)*

A. ☐ English
B. ☐ Spanish
C. ☐ English and Spanish
D. ☐ Other *(Explain.)*_____

33. **Which one of the following best describes the practice for assigning pupils to this school?** *(Check one only.)*

A. ☐ Pupils residing in this attendance area attend this school with no or few transfers allowed.
B. ☐ Pupils residing in this attendance area generally attend this school but transfers are frequently allowed.
C. ☐ Pupils are assigned to this school on the basis of intelligence, achievement, or their program of study.
D. ☐ Any pupil residing in this school district may attend this school.
E. ☐ Some other practice is followed. *(Describe briefly.)*_____

34. **What percent of the Spanish Surnamed pupils in this school come from families with a total annual income of:** *(Estimate.)*

A. Below $3,000?_____% B. Over $10,000?_____%

35. **What percent of the Anglo pupils in this school come from families with a total annual income of:** *(Estimate.)*

A. Below $3,000?_____% B. Over $10,000?_____%

36. **What percent of the Negro pupils in this school come from families with a total annual income of:** *(Estimate.)*

A. Below $3,000?_____% B. Over $10,000?_____%

37. **What percent of the Other pupils in this school come from families with a total annual income of:** *(Estimate.)*

A. Below $3,000?_____% B. Over $10,000?_____%

38. **What percent of the Spanish Surnamed pupils in this school come from families in which the highest educational attainment level of the head of the household is:** *(Estimate.)*

A. 0 to 5 years?_____%
B. 6 to 8 years?_____%
C. Some high school?_____%
D. High school graduate?_____%
E. Some college?_____%
F. College graduate?_____%
G. Total 100 %

LEGEND. *Unknown*—**UNK.**; *Estimate*—**EST.**; *Not Applicable*—**NA.**; *Not Available*—**?**; *None*—**0**

39. **What percent of the Anglo pupils in this school come from families in which the highest educational attainment level of the head of the household is:** *(Estimate.)*

A. 0 to 5 years?_____%
B. 6 to 8 years?_____%
C. Some high school?_____%
D. High school graduate?_____%
E. Some college?_____%
F. College graduate?_____%
G. Total 100 %

40. **What percent of the Negro pupils in this school come from families in which the highest educational attainment level of the head of the household is:** *(Estimate.)*

A. 0 to 5 years?_____%
B. 6 to 8 years?_____%
C. Some high school?_____%
D. High school graduate?_____%
E. Some college?_____%
F. College graduate?_____%
G. Total 100 %

41. **What percent of the Other pupils in this school come from families in which the highest educational attainment level of the head of the household is:** *(Estimate.)*

A. 0 to 5 years?_____%
B. 6 to 8 years?_____%
C. Some high school?_____%
D. High school graduate?_____%
E. Some college?_____%
F. College graduate?_____%
G. Total 100 %

42. **Does this school practice grouping or tracking?** Yes ☐1 No ☐2

43. **If you answered "Yes" to question 42, for how many years has this school practiced grouping or tracking?**_____

44. **If you answered "Yes" to question 42, at what grade level does this school start grouping or tracking?**_____

45. *Rate each of the following criteria for grouping, tracking, or promotion according to its importance in this school.*	(i) Very important	(ii) Important	(iii) Of little importance	(iv) Of no importance
A. Scores on standardized achievement tests				
B. IQ test results				
C. Reading grade levels				
D. Student scholastic performances (grades)				
E. Emotional and physical maturity				
F. Student interests and study habits				
G. Parental preferences				
H. Student preferences				
I. Teacher referrals				
J. Other *(Specify.)*_____				

Questions 46 thru 48 instructions: **Complete the following questions for grades 4, 8 and/or 12.** *If none of these grades are housed, complete these questions for your highest grade and in the space available indicate the grade for which data are supplied.*

LEGEND: *Unknown*—UNK.; *Estimate*—EST.; *Not Applicable*—NA.; *Not Available*—?; *None*—0

46. *As of March 31, 1969, by ethnic group, how many pupils in this grade were:*	Grade 4 or specify				Grade 8				Grade 12			
	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other
A. Reading more than three years below grade level?												
B. Reading more than two but not more than three years below grade level?												
C. Reading more than six months but not more than two years below grade level?												
D. Reading not more than six months below but not more than six months above grade level?												
E. Reading more than six months but not more than two years above grade level?												
F. Reading more than two years above grade level?												
G. Total number of pupils in this grade, *(the sum of lines A through F should equal the total number of pupils in this grade by ethnic group.)*												
H. Two years or more overage for this grade?												
I. Classified as having an IQ below 70?												
J. *(Secondary schools only)* Repeating one or more subjects this year?												
K. *(Elementary schools only)* Repeating the grade this year?												
L. Transferred to juvenile authorities this school year (prior to March 31, 1969) for causes related to the pupil's behavior?												
M. Suspended two or more times this school year (prior to March 31, 1969)?												
N. *(Secondary schools only)* Enrolled primarily in classes designed to prepare them for higher education?												

LEGEND: *Unknown*–UNK.; *Estimate*–EST.; *Not Applicable*–NA.; *Not Available* –?; *None*–0

46. (continued) *As of March 31, 1969, by ethnic group, how many pupils in this grade were:*	Grade 4 or specify				Grade 8				Grade 12			
	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other	(i) Number Spanish Surnamed American	(ii) Number Negro	(iii) Number Anglo	(iv) Number Other
O. *(Secondary schools only)* Enrolled primarily in classes designed to prepare them for immediate employment or for entrance into technical, vocational, or occupational schools?												
P. *(Secondary schools only)* Enrolled primarily in classes not designed for preparation of the activities mentioned in N or O above?												
Q. *(Secondary schools only)* Total of lines N, O, and P; the sum of lines N, O, and P should equal the total pupil membership in this grade by ethnic group.												
R. In average daily attendance during March 1969? *(See question 3 for definition of ADA.)*												
S. Enrolled in highest ability level of English class?												
T. Enrolled in lowest ability level of English class (excluding mentally retarded classes)?												

LEGEND: *Unkno* · *Estimate*—**EST.**; *Not Applicable*—**NA.**; *Not Available*—**?**; *None*—**0.**

		Grade 4 or specify	Grade 8	Grade 12
47.	Does this school group or track students according to ability or achievement in this grade?	A. ☐ Yes, for all students B. ☐ Yes, for highest achieving students only C. ☐ Yes, for lowest achieving students only D. ☐ Yes, for highest and lowest achieving students only E. ☐ Yes, some plan other than the above is followed. *(Specify.)* _____ F. ☐ No	A. ☐ Yes, for all students B. ☐ Yes, for highest achieving students only C. ☐ Yes, for lowest achieving students only D. ☐ Yes, for highest and lowest achieving students only E. ☐ Yes, some plan other than the above is followed. *(Specify.)* _____ F. ☐ No	A. ☐ Yes, for all students B. ☐ Yes, for highest achieving students only C. ☐ Yes, for lowest achieving students only D. ☐ Yes, for highest and lowest achieving students only E. ☐ Yes, some plan other than the above is followed. *(Specify.)* _____ F. ☐ No
48.	If you checked A, B, C, D or E above (question 47) on any grade, check which of the following best describes the system of grouping in that grade.	A. ☐ Pupils are placed in a particular group and attend all classes within this group. B. ☐ Pupils may be in different groups for different subjects depending on their ability in that subject.	A. ☐ Pupils are placed in a particular group and attend all classes within this group. B. ☐ Pupils may be in different groups for different subjects depending on their ability in that subject.	A. ☐ Pupils are placed in a particular group and attend all classes within this group. B. ☐ Pupils may be in different groups for different subjects depending on their ability in that subject.

49. *Use the following space and additional pages, if necessary, to give us further comments relative to this questionnaire.*

LEGEND: *Unknown*—**UNK** *Estimate*—**EST.**; *Not Applicable*—**NA.**; *Not Available*—**?**; *None*—**0**

Appendix C

A LEGAL AND HISTORICAL BACKDROP

The thrust for the exploration and early development of the Southwest came from Mexico. During the 1500's, a handful of Spaniards, moving north from Mexico, probed the region. In 1598, Juan de Onate, one of Mexico's wealthiest men, took 400 soldiers and several thousand head of cattle to colonize New Mexico. Before the United States achieved independence, soldiers and colonists from Mexico had established settlements in California, Arizona, and Texas, as well as New Mexico.

When Mexico ceded these lands to the United States following the war of 1846-48, an estimated 75,000 Spanish speaking people lived in the Southwest: 60,000 in New Mexico, 7,500 in California, 5,000 in Texas, 1,000 or so in Arizona, and 1,500 in Colorado, as these States are now comprised.

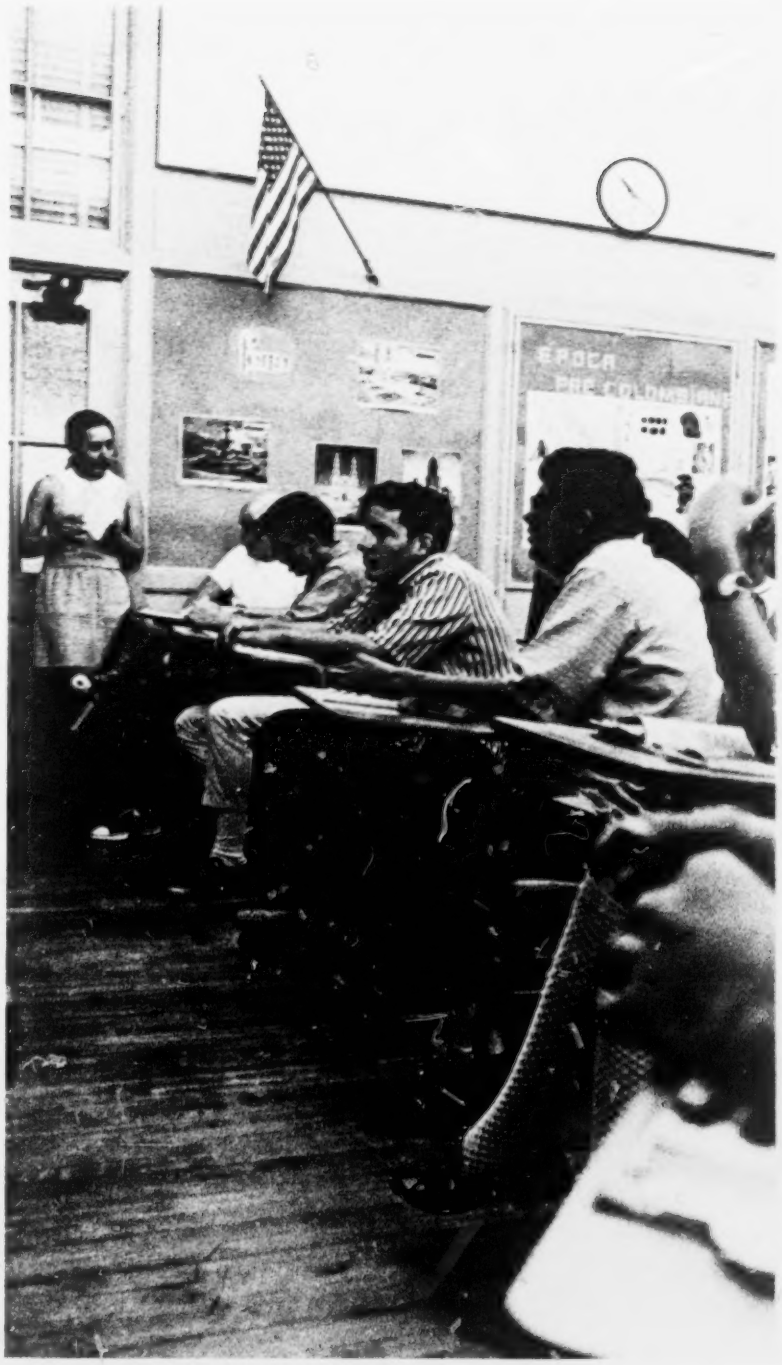
Spanish was the dominant language and a combination Spanish-Mexican-Indian culture domiated the region's life style.

The Treaty of Guadalupe Hidalgo, signed on February 2, 1848, and ratified 3 months later, gave United States citizenship to all Mexican nationals who remained in the ceded territory. Only a few —less than 2,000—left. The treaty also guaranteed certain civil, political, and religious rights to the Spanish speaking colonists and attempted to protect their culture and language.

With the California Gold Rush as the principal impetus, streams of Anglos began flowing West. As they achieved sufficient population majorities, the treaty's guarantees—explicit or implied—were sometimes circumvented or totally ignored. With two cultures at conflict and new political powers at stake, a series of legal actions started which to this day affects the treatment Mexican Americans receive from our institutions of law and learning.

A look at the five Southwestern States of concern in this report shows:

California: At the end of 1848, there were 8,000 "Americans" and 7,500 "native Californians" in the State. Then in the next 12 months, spurred by the Gold Rush, the State's population boomed to nearly 95,000—mostly Anglo-Americans. Nine thousand Mexicans, nearly all from Sonora, joined the migration. But they, like many Chileans, Peruvians, and Chinese, became victims



of the Foreign Miners' Tax Law, passed by the first California Legislature in 1850. (The law's avowed purpose, according to historian Royce in the text, "California", was "to exclude foreigners from these mines, the God-given property of the American people.") The State repealed the law in 1851, but not until after it had succeeded in driving away thousands of miners of minority ethnic and racial backgrounds.

The same year, the State passed another law providing that "every written proceeding in a court of justice or before a judicial officer, shall be in the English language."

In 1870 a statute was enacted which provided

that "all schools shall be taught in the English language."[1] In 1920 this statute was repealed.[2] It was re-enacted in 1943,[3] and is still in force today.[4] Similiar statutes on court proceedings and records,[5] juror qualifications,[6] and voter qualifications[7] are also in force today.[8]

NEW MEXICO and ARIZONA: In 1850, the Territory of New Mexico (which included the present State of Arizona) was added to the Union. Thirteen years later New Mexico and Arizona were separated as territories, but in 1906 the United States Congress passed a joint statehood bill for them, stipulating that rejection of joint statehood by the voters of either territory would prevent it from taking place.[9]

New Mexico was roughly 50 percent Spanish speaking, while estimates of Arizona's Indian and Mexican American population ranged from 5 to nearly 20 percent.

After introduction of a similar bill the year before, the Arizona Legislature passed a resolution of protest, stating that joint statehood "would subject us to the domination of another commonwealth of different traditions, customs and aspirations."[10] The Arizona Territorial Teachers Association passed a resolution opposing joint statehood. Arizona schools taught all classes in English;[11] New Mexico schools used interpreters. The resolution stated that union of New Mexico and Arizona would disrupt the Arizona school system.[12]

Arizona's fears were summarized in a "Protest Against Union of Arizona with New Mexico" presented to Congress by the delegates from Arizona on February 12, 1906:[13]

"The decided racial difference between the people of New Mexico who are not only different in race and largely in language, but have entirely different customs, laws and ideals and would have but little prospect of successful amalgamation. . . .[14]

"The objection of the people of Arizona, 95 percent of whom are Americans, to the probability of the control of public affairs by people of a different race, many of whom do not speak the English language, and who outnumber the people of Arizona are two to one. . . ."[15]

Further in the document, the delegates explained that New Mexico courts and the State legislature were conducted through interpreters; that New Mexico published its statutes in two languages; that New Mexico derived its law from the civil law system, while Arizona law stemmed from the common law system; and that the Spanish speaking New Mexicans would not consent to the loss of their right to serve on juries. The proposed statehood bill gave 66 votes in the Constitutional Convention to New Mexico and 44 votes to Arizona. The "Protest" prophesied that New Mexico would control the Constitutional Convention and impose her dual language conditions on Arizona.[16]

On January 16-20, 1906, the Committee on Territories of the House of Representatives held a joint statehood hearing.[17] The hearing explored the objections of the Arizonans. The use of the Spanish language was an issue in the areas of education, State government, and the conduct of trials.[18]

In 1903, the Governor of Arizona had praised the English literacy of the Mexican population of his State, testifying during a statehood hearing:

"Nearly all of the younger generation of the Mexican population read and write English. The Mexican children are all in schools today where English only is taught and almost all of the adult

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[1] Calif. Stat., Ch. 556, Sec. 55 (1870).

[2] Calif. Stats. and Amdts., Ch. 23 (1929).

[3] Deerings' Calif. Codes, Ed., Div. 4, Ch. 3, Art. 1, Sec. 8251 (1943).

[4] Calif. Educ. Code Sec. 71, (1968).

[5] Deerings' Calif. Codes Ann. 1954, CCP 185.

[6] *Id.* at CCP 189.

[7] Calif. Const., Art. II, Sec. 1 (1879). The Voting Act. Amendments of 1970, 84 Stat. 314. Suspend any requirement that a voter be able to speak, read, or understand the English language for a 5-year period. This suspension was upheld by the U.S. Supreme Court in *U.S. v Arizona* (1970, 39 U.S.L.W. 4027).

[8] Calif. Educ. Code Sec. 71 (West's Ann. 1967) provides that Bilingual Education is authorized to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language.

[9] Peplow, *History of Arizona*, Vol. 2 at 16 (1958).

[10] Peplow, *id* at 12.

[11] The Arizona Legislature required that classes be taught in English. Revised Statutes of Arizona (organic law), Ch. X, Sec. 80, (1887).

[12] Testimony of R.E. Morrison of Arizona, Hearings of the House Committee on Territories on Statehood Bill at 18 (1906).

[13] U.S. Senate Document 216, 59th Congress, 1st Session, Feb. 12, 1906.

[14] *Id.* at 1.

[15] *Id.* at 2.

[16] *Id.* at 14-15.

[17] *Hearings* supra note 46.

[18] *Hearings* supra note 40 at 4.

Mexican population speak English well."[19]

Now, in 1906, a Governor's Report on Compulsory Education states that the school attendance law was generally obeyed, with the exception of the Spanish speaking population,[20] and that, of the 1,266 "white" illiterates in Arizona, "practically all were of Mexican descent."[21]

Joint statehood won in New Mexico, 26,195 to 14,735.

It lost in Arizona 16,265 to 3,141.

In 1910 the Senate Committee on Territories considered separate statehood for Arizona and New Mexico. An Arizona delegate sought to amend the statehood bill by inserting a provision that "nothing in this Act shall preclude the teaching of other languages" in public schools. He was opposed by the Committee Chairman, Senator Albert Beveridge of Indiana, and other Senators. Beveridge declared that:

> *The purpose of that provision, both with reference to New Mexico and Arizona, and particularly the former, is to continue the thing that has kept back the speaking of English and the learning of English, to wit: that because they may conduct the schools in other languages, in many of those Spanish-speaking communities, particularly in New Mexico, they will do so.*[22]

Beveridge said:

"Everybody knows . . . one of the difficulties down there . . . the curious continuance of the solidarity of the Spanish-speaking people. It would be well . . . if at least the men who make the laws could speak the language which all the rest of us speak."[23]

On June 20, 1910, Congress passed an enabling act which provided for the calling of constitutional conventions. The act required the constitutions to include two provisions which would limit the use of the Spanish language as an official language.[24]

First, the public schools must be conducted in English:

"That provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all children of said state and free from sectarian control, and that said schools shall always be conducted in English."[25]

Second, knowledge of the English language was a prerequisite for holding State offices and positions in the legislature:[26]

"That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous conditions of servitude, and that ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be necessary qualification for all State officers and members of the State legislature."

The draft of the New Mexico Constitution was completed on November 21, 1911. It contained three provisions which protected the rights of the Spanish speaking.

One related to voting:

"Sec. 3. Religious and racial equality protected; restrictions on amendments. The right of any citizen of the state to vote, hold office, or sit upon juries, shall never be restricted, abridged, or impaired on account of religion, race, language or color, or inability to speak, read or write the English or Spanish languages as may be otherwise provided in this Constitution; and the provisions of this section and of section one of this article shall never be amended except upon the vote of the people of this state in an election at which at least three-fourths of the electors in the whole state, and at least two-thirds of those voting in each county of the state, shall vote for such amendment."[27]

The other two related to education:

"Sec. 8. Teachers to learn English and Spanish. The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the

[19] Committee on Territories, U.S. House of Representatives, *Hearings on Statehood Bill* at 70, Testimony of Governor Brodie of Territory of Arizona, Dec. 18, 1903.

[20] *Arizona Governor's Report on Compulsory Education, Hearings supra note* 46 at 28.

[21] *Id.* at 13 as quoted in *Id.* at 33.

[22] Congressional Record, vol. 45 at 109, 61st Congress, 2nd Session, Feb. 25, 1910 (Dec. 6, 1909 to June 25, 1910).

[23] *Id.* vol. 45, part 8 at 8225 (June 16, 1910).

[24] "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States." Act of June 20, 1910, ch. 310, 36 Stat. 559 (1910).

[25] *Id.* sec. 2(4) at 559 and sec. 20(4) at 570.

[26] *Id.* sec. 2(5) at 559 and sec. 20(5) at 570.

[27] N. Mex. Const., Art. VII, Sec. 3, (1912).

State, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students."

"Sec. 10. Educational rights of children of Spanish descent. Children of Spanish descent in the State of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the State, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the State, and the legislature shall provide penalties for the violation of this section. This section shall never be amended except upon a vote of the people of this State, in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county in the State shall vote for such amendment."[28]

The Constitution also preserves all rights granted under the Treaty of Guadalupe Hidalgo:

"The rights, privileges and immunities, civil, political and religious, guaranteed to the people of New Mexico by Treaty of Guadalupe Hidalgo shall be preserved inviolate."

On January 12, 1910, New Mexico ratified a constitution[29] and forwarded it to President Taft, who approved it on February 24, 1911.[30] The Senate, however, did not approve the constitution because of the provision which made amendments far too difficult.[31]

Arizona also ratified its constitution, but it was rejected by the President.[32]

A resolution was adopted by Congress requiring New Mexico to resubmit to the electors a less restrictive provision for constitutional amendments,[33] and Arizona to resubmit an amendment on recall of officers.[34] This resolution also deleted the provision of the Enabling Act which required State officers and legislators[35] of New Mexico to have a comprehensive knowledge of the English language.[36] Representative Legare said:[37]

"These people come to us from New Mexico, both Republicans and Democrats and say that in the Enabling Act passed last year we have taken them by the throat and told them that they must enact an irrevocable ordinance whereby no Spanish-speaking person can hold office in their State. They tell us, both factions, that some of the best people of their State and some of their most brilliant men are Spanish-speaking people."

Representative Humphreys stated that the provision:[38]

". . . was a plain, direct and . . . unwarranted attack on the Spanish American citizens of New Mexico, whose patriotism and whose loyalty has never been found wanting in time of great public stress."

On November 7, 1911, the electors of New Mexico approved a substitute provision on the amendment process. On January 6, 1912, President Taft signed the Statehood Proclamation.[39]

Arizona approved an amendment on recall to its constitution and the President signed the Statehood Proclamation on February 14, 1912.[40]

New Mexico: The Mexican Americans of New Mexico succeeded in protecting their heritage by inserting provisions in their constitution which made Spanish an official language, equal to the English language. The constitution also provided that, for the following 20 years, all laws passed by the legislature be published in both Spanish and English, and thereafter as the legislature should provide.[41]

Prior to 1967, notices of statewide and county elections were required to be printed in English and "may be printed in Spanish."[42] Additionally, many legal notices today are required to be published in both English and Spanish.

In 1925, the legislature provided that:[43]

". . . in every high school with fifty (50) or more pupils, one (1) special teacher in addition to those already provided for, may be employed providing that such teacher is qualified to teach both Spanish and English and does teach classes

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[28] *Id.*, Art. XII, §§ 8, 10.
[29] *Id.*, Art. III, Sec. 5.
[30] Donnelly, *supra* note 33 to 50.
[31] *Id.* at 433.
[32] 47th Cong. Rec. 4118-4141 (1911).
[33] *Supra* note 47 at 4229.
[34] 37 Stat. 39, 40 (1911)
[35] *Id.* at 42.
[36] 37 Stat. 39, 42 (1911).
[37] 47 Cong. Rec. 1251 (1911).
[38] *Id.*, 1364.
[39] Donnelly, *supra* note 33 at 50; 37 Stat. 1723 (1912).
[40] 37 Stat. 1728 (1912).
[41] N. Mex. Const., Art. XX, Sec. 12 (1912).
[42] N. Mex. Stat. Ann. Art. 3-11-15 and 3-3-1 were repealed in 1967. N. Mex. Laws 1967 Ch. 98. Sec. 30.
[43] N. Mex. Stat. Ann. 73-12-7 (1953).

in Spanish. . . ."

This law was repealed in 1962.[44]

In 1943, the position of State Supervisor of Spanish was created "to bring about an improvement in the teaching of Spanish in the schools of the State, and in order to insure the retainment and the development of the Spanish language, with a view of future Inter-American relations."[45] This law was repealed in 1967.[46]

A 1941 Act required all public grade schools of the State—rural or municipal—having at least three teachers and a daily attendance of 90 pupils to teach Spanish in the fifth to the eighth grades, except where the governing board of education by resolution relieves a school from teaching Spanish during any scholastic year.[47]

In 1969, the legislature authorized any school district to establish in any level of instruction a bilingual and bicultural study involving a culture in which a language other than English is spoken in the home.[48]

Arizona: In 1864, the first territorial legislature of Arizona provided that an understanding of the English language was a necessary qualification for jury duty. The requirement was repealed in 1875,[49] but enacted again in 1887.[50] It is a necessary qualification today.[51]

In 1887, the legislature provided that all schools be conducted in the English language.[52]

The Constitution of 1912 required that all public schools be conducted in English[53] and that all State office holders and members of the State legislature must know English[54] "sufficiently well to conduct the duties of office without the aid of an interpreter."[55]

In 1912 the legislature required that every voter be able to read the Constitution of the United States in English "in such a manner as to show that he is neither prompted nor reciting from memory. . . ."[56] The ability to read English was tested when electors registered.[57]

In 1969, Arizona acted to permit bilingual instruction in the first three grades by permitting the districts in which there are pupils with English language difficulties to provide special programs of bilingual instruction.[58]

Colorado: Histories of Colorado make little reference to Mexican Americans in their coverage of the 1800's. There were only a few thousand Mexican Americans in the State before the turn of the century.[59] By 1930, there were 30,000 Mexican Americans in a population of over 1,000,000.[60]

In 1877, the legislature passed a law requiring that public schools be taught in the English language.[61] This was amended in 1919 to prohibit the teaching of any foreign language as a course to children who had not completed the eighth grade.[62]

Laws pertaining to use of languages other than English in court proceedings and as a qualification for jury duty have been changed several times since the 1887 territorial legislative requirement that English be used in all written court proceedings.[63] Present law provides that the inability to speak or understand English disqualifies a person from jury duty.[64]

Today, Colorado law encourages local school districts to develop bilingual skills and to assist pupils whose experience is largely in a language other than English to make an effective transition to English, with the least possible interference in other learning activities. This section authorizes the establishment of bilingual programs.[65] Another section provides for the inclusion of instruction in the "history, culture and contributions of minorities" in the teaching of the history and government of the United States.[66]

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[44] N. Mex. Laws, Ch. 21, Sec. 41 (1962).
[45] N. Mex. Stat. Ann. 73-4-1 to 73-4-7 (1953).
[46] N. Mex. Laws, Chapter 16, Sec. 301 (1967).
[47] *Id.* 73-17-2. This law was repealed by Laws, Ch. 16, Sec. 301 (1967).
[48] N. Mex. Stats. Ann. 77-11-12 (1969).
[49] Ariz. Howell Code 1864, Ch. 47, Sec. 4 at 294.
[50] Ariz. C.L. 1864-1877, Ch. 47 (2404), Sec. 10 at 404.
[51] Ariz. R.S. 1887, Ch. 2, Title 39, para. 2169, Sec. 7 at 384.
[52] Ariz. R.S. Ann. 1956, Ch. 2, Art. 1, Sec. 21-201.
[53] Ariz. R.S. (Organic Law), Ch. X, 1552 (Sec. 80), (1887). (Now Ariz. R.S. 15-202).
[54] Ariz. Const. Art. XX, Sec. 7 (1912)
[55] *Id.*, Sec. 8.
[56] Ariz. R.S. Ch. III, Sec. 2879 (1913). (Now Ariz. R.S. 16-101).
[57] *Id.*, Sec. 2885 (1913). There is some doubt as to the validity of such requirements. See *Castro v California* 266 P. 2d 244 (1970).
[58] Ariz. R.S. 15-202 (1969).
[59] Adamic, *A Nation of Nations*, p. 47 (1944).
[60] U.S. Bureau of Census, *Census*: 1960, p. 7.
[61] Colo. G.L., Sec. 2523, p. 835 (1877).
[62] Colo. Laws, Sec. 1, p. 599 (1919). The statute is still in force. Colo. R.S. L23-21-3 (1953). It has not been subjected to judicial interpretation with respect to whether it would prohibit the operation of a private school in which subjects might be taught in a language other than English.
[63] Colo. Civ. Code, Ch. XI, Sec. 404 (1877).
[64] Colo. R.S. 78-1-1 (1953).
[65] Colo. R.S. Sec. 123-21-3 (1953).
[66] *Id.* 123-24-4.

Texas: In 1845 Congress passed a joint resolution in favor of incorporating Texas into the Union, and on October 18, 1846, Congress ratified the State Constitution. At that time, there were 75,000 inhabitants, of whom 4,000-5,000 were Mexicans.[67]

In 1918, a statute was adopted which required that the public schools be conducted in English, except that elementary grades could be conducted in Spanish in border counties with a city or cities of 5,000 or more inhabitants.[68] This law was revised in 1969 by the Education Code.[69]

On October 1970 a Mexican American teacher in Crystal City, Texas was indicted, under this section, for teaching a high school class in Spanish. The case against the defendant was subsequently dismissed.

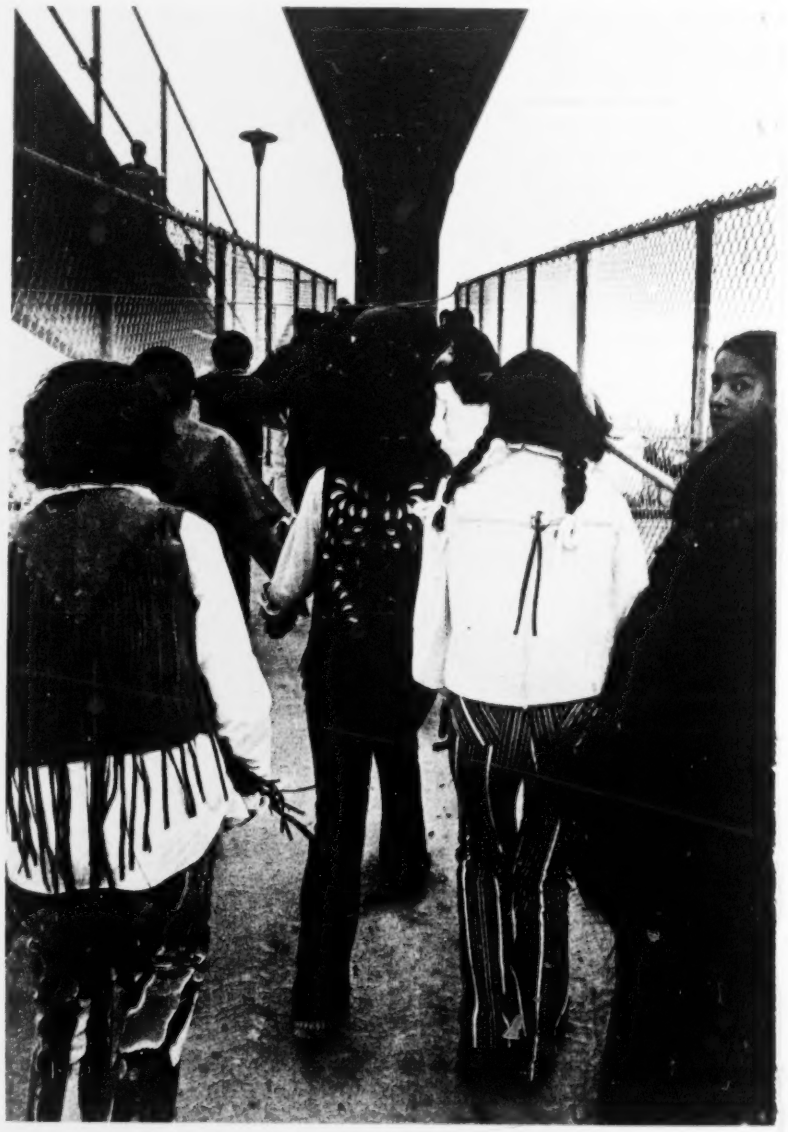
In 1919, two statutes were passed involving aid to voters. One requires that all such aid be given in the English language, and the voter, if he needs aid, must explain in English for whom he wishes to vote.[71] The other provides criminal penalties if aid is rendered in any language other than English.[72]

In 1925 a statute was enacted allowing courts to appoint interpreters "when necessary".[73] In the case of *Garcia v. State,* an accused who did not understand English asked that testimony be translated into Spanish. His request was denied. On appeal his conviction was reversed, because the refusal to make the testimony understandable amounted to denying the accused his constitutional right to be confronted by the witness against him.[74]

In other Texas cases, it has been held that the systematic exclusion of persons of Mexican descent for service as jury commissioner, grand jurors, and trial jurors is a violation of the equal protection clause of the 14th amendment of the Constitution of the United States.[75]

In all of the Southwestern States, Spanish was the dominant language prior to the cession of territories to the United States (1848) and the admission of Texas to the Union (1846). As the population balance shifted, the dominant and official language shifted from Spanish to English. A knowledge of English became essential to acquiring an education, to conducting official business, and to exercising rights of citizenship.

New Mexico alone did not follow the pattern of abrupt change. There, Mexican Americans as a group were sufficiently strong to preserve the use of the Spanish language by constitutional safeguards.



[67] *History of Texas* 78 (Lewis Pub. Co., Chicago 1895).

[68] Texas Acts, 4th C.S., p. 170 (1918). Vernon's Anno. Tex. Stats. P.C. 288 (1925).

[69] Vernon's Anno. Tex. Stats. Education Code Sec. 4.17 (1969) provides that any teacher, principal, superintendent, trustee, or other school official who fails to comply with English Language requirements is guilty of a misdemeanor and shall be subject to a fine/or removal from office.

[70] Interview with Jesse Gamez, San Antonio, Tex., attorney for the defendant.

[71] Vernon's Ann. Tex. Stats. P.C. 224.

[72] *Id.* P.C. 225.

[73] Vernon's Anno. Tex. Stats. Code of Criminal Procedures, Sec. 773 (1925).

[74] 210 SW 2d 574 (1948).

[75] *Hernandez v. State of Texas.* 347 U.S. 475 (1954). Other cases involving the same issue: *Sanchez* v. *State,* 243 S.W. 2d. 700 (1951); *Rogers* v. *State* 236 S.W. 2d. 141 (1951); and *Gonzales v. State,* 278 S.W. 2d. 167 (1955).

Appendix D

May 25, 1970

MEMORANDUM

TO : School Districts With More Than Five Percent National Origin-Minority Group Children

FROM : J. Stanley Pottinger
Director, Office for Civil Rights

SUBJECT: Identification of Discrimination and Denial of Services on the Basis of National Origin

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish surnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portuguese.

The purpose of this memorandum is to clarify HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

Appendix E

Additional Selected Tables on Mexican American Education

E1—Percent of Advisory Committees Making Selected Recommendations by State*

CATEGORY	ARIZ.	CALIF.	COLO.	TEX.	TOTAL
Ethnic Balance in Schools	15.5	13.0	. . .	16.5	12.7
In-Service Teacher Training In Mexican American History and Culture or in Bilingual Education or in ESL	58.6	41.0	9.3	27.9	38.2
Employment of Spanish Surnamed Faculty	15.5	39.5	43.8	22.8	34.2
Pupil Exchange Programs With Other Districts or Schools	. . .	6.0	9.4	. . .	4.7
Expanded PTA Activities Relative to Mexican Americans	32.8	26.8	28.0	25.3	28.1
Changes in Curriculum to Make it More Relevant for Mexican Americans	46.6	45.5	40.6	49.4	45.2
Bilingual-Bicultural Organizations in a School or the School System	12.2	25.8	9.4	22.8	23.5
Other	29.3	42.4	50.0	50.6	43.6

*New Mexico has not been included because of the extremely small number of advisory committees in that State.

E2—Percent of Advisory Committees Making Selected Recommendations by Mexican American Enrollment in the School District

CATEGORY	10-23%	24-37%	38-49%	50-100%	S.W. TOTAL
Ethnic Balance in Schools	15.5	12.7	14.1	7.9	12.6
In-Service Teacher Training in Mexican American History and Culture or in Bilingual Education or in ESL	36.2	40.7	29.3	42.4	38.2
Employment of Spanish Surnamed Faculty	44.8	33.0	10.2	14.6	34.2
Pupil Exchange Programs With Other Districts or Schools	5.6	7.6	6.5	. . .	4.6
Expanded PTA Activities Relative to Mexican Americans	27.6	13.6	28.3	37.1	28.0
Changes in Curriculum to Make it More Relevant for Mexican Americans	45.7	39.0	63.0	36.4	45.2
Bilingual-Bicultural Organizations in a School or the School System	26.3	18.6	22.8	22.5	23.5
Other	39.6	50.0	40.2	46.3	43.5

E3—Percent of Advisory Committees Making Selected Recommendations by Size of District

CATEGORY	More than 3,000	1,200-1,299	600-1,199	300-599	TOTAL
Ethnic Balance in Schools	22.2	2.9	6.7	. . .	12.6
In-Service Teacher Training In Mexican History and Culture or in Bilingual Education or ESL	43.4	20.0	40.0	50.0	38.2
Employment of Spanish Surnamed Faculty	47.5	20.0	26.7	16.7	34.2
Pupil Exchange Programs With Other Districts or Schools	8.1	2.9	. . .	. . .	4.6
Expanded PTA Activities Relative to Mexican Americans	30.3	25.7	33.3	16.7	28.0
Changes in Curriculum to Make it More Relevant for Mexican Americans	57.6	37.1	40.0	16.7	45.2
Bilingual-Bicultural Organizations in a School or the School System	31.3	8.6	26.7	16.7	23.5
Other	41.4	51.4	46.7	33.3	43.5

DISTRIBUTION OF SCHOOLS

E4—Number of schools with pupils of high, medium, and low socioeconomic status, by percent of enrollment which is Mexican American

Level	Percent Mexican American	High	Medium	Low	Unclassifiable	Total
Elementary	0-24	1,072	1,264	176	48	2,560
	25-49	112	596	300	24	1,032
	50-74	48	240	308	20	616
	75-100	12	152	408	12	584
	Total	1,244	2,252	1,192	104	4,792
Secondary	0-24	192	384	88	16	680
	25-49	20	184	72	4	280
	50-74	0	40	28	4	72
	75-100	4	20	44	0	68
	Total	216	628	232	24	1,100
Total	0-24	1,264	1,648	264	64	3,240
	25-49	132	780	372	28	1,312
	50-74	48	280	336	24	688
	75-100	16	172	452	12	652
	Total	1,460	2,880	1,424	128	5,892

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DISTRIBUTION OF TOTAL PUPILS

E5—Number in schools with pupils of high, medium, and low socioeconomic status, by percent of enrollment which is Mexican American

Level	Percent Mexican American	High	Medium	Low	Unclassifiable	Total
Elementary	0-24	651,520	677,472	86,600	23,384	1,438,976
	25-49	68,728	323,716	125,964	11,312	529,720
	50-74	19,324	109,160	123,492	10,004	261,980
	75-100	5,748	83,664	192,544	8,108	290,064
	Total	745,320	1,194,012	528,600	52,808	2,520,740
Secondary	0-24	297,128	419,536	99,960	41,368	857,992
	25-49	19,624	196,416	60,832	4,068	280,940
	50-74	0	52,436	20,816	904	74,156
	75-100	960	26,316	46,588	0	73,864
	Total	317,712	694,704	228,196	46,340	1,256,952
Total	0-24	948,648	1,097,008	186,560	64,752	2,296,698
	25-49	88,352	520,132	186,796	15,380	810,660
	50-74	19,324	161,596	144,308	10,908	336,136
	75-100	6,708	109,980	239,132	8,108	363,928
	Total	1,063,032	1,888,716	756,796	99,148	3,807,692

DISTRIBUTION OF MEXICAN AMERICAN PUPILS

E6—Number in schools with pupils of high, medium, and low socioeconomic status, by percent of enrollment which is Mexican American

Level	Percent Mexican American	High	Medium	Low	Unclassifiable	Total
Elementary	0-24	59,632	94,928	9,352	3,472	167,384
	25-49	22,640	114,580	47,124	3,472	187,816
	50-74	11,968	65,288	75,408	6,228	158,892
	75-100	4,740	73,484	176,936	7,556	262,716
	Total	98,980	348,280	308,820	20,728	776,808
Secondary	0-24	18,408	54,096	11,312	7,080	90,896
	25-49	8,228	71,276	25,908	1,780	107,192
	50-74	0	30,308	13,152	528	43,988
	75-100	720	22,108	43,484	0	66,312
	Total	27,356	177,788	93,856	9,388	308,388
Total	0-24	78,040	149,024	20,664	10,552	258,280
	24-49	30,868	185,856	73,032	5,252	295,008
	50-74	11,968	95,596	88,560	6,756	202,880
	75-100	5,160	95,592	220,420	7,556	329,028
	Total	126,336	526,068	402,676	30,116	1,085,196

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